

EXHIBIT 24

RANDALL TUCKER
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LATOYA BROWN; LAWRENCE
BLACKMON; HERBERT ANTHONY
GREEN; KHADAFY MANNING;
QUINNETTA MANNING; MARVIN
McFIELD; NICHOLAS SINGLETON;
STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER,
individually and on behalf of a class
of all others similarly situated, PLAINTIFFS

V. CIVIL ACTION NO. 3:17-cv-00347-WHB-LRA
MADISON COUNTY, MISSISSIPPI;
SHERIFF RANDALL S. TUCKER in his
official capacity; and MADISON COUNTY
SHERIFF'S DEPUTIES JOHN DOES #1
through #6, in their individual capacities,
DEFENDANTS

VIDEOTAPED DEPOSITION OF SHERIFF RANDALL TUCKER

APPEARANCES NOTED HEREIN

DATE: THURSDAY, DECEMBER 21, 2017

PLACE: HILTON GARDEN INN

WEST CAPITOL STREET

Jackson, MS

TIME: 9:00 A.M.

REPORTED BY: DEBORAH H. NELSON

CSR #1256

JOB NO. 133425

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VIDEOGRAPHER: This is the start of DVD Label Number 1 of the videotaped deposition of Sheriff Randall Tucker in the matter of Latoya Brown, et. al. vs. Madison County Mississippi, et. al.

In the United States District Court, Southern District of Mississippi, Jackson Division, Number 317-CV-347WHB-LRA. This deposition is being held at the Hilton Garden Inn, 235 West Capitol Street, Jackson, Mississippi, on December 21st. The time on the monitor is nine o'clock.

My name is Eddie Nabors. I'm the legal video specialist for TSG Reporting, Inc, headquartered at 747 Third Avenue, New York, New York.

The court reporter is Debbie Nelson, also in association with TSG Reporting.

We'd ask for attorney introductions on the audio portion.

MR. YOUNGWOOD: Jonathan Youngwood, Simpson, Thacher & Bartlett for the plaintiffs in the proposed class.

MS. GOCHMAN: Janet Gochman, Simpson,

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Thacher & Bartlett for the plaintiffs in the proposed class.

MR. TOM: Joshua Tom, ACLU of Mississippi, for the plaintiffs in the proposed class.

MS. COLLINS: Jennifer Riley-Collins, attorney and Executive Director for the ACLU of Mississippi.

MR. ROSS: Charlie Ross with Wise Carter on behalf of the defendants.

MS. COWAN: Becky Cowan with Currie Johnson and Myers on behalf of the defendants.

MR. WALLACE: Mike Wallace with Wise Caraway, with Wise Carter Child & Caraway for the defendants.

VIDEOGRAPHER: The court reporter may administer the oath, please.

SHERIFF RANDALL TUCKER

after having first been duly sworn by the court reporter, was examined and testified under oath as follows:

EXAMINATION BY MR. YOUNGWOOD:

Q Good morning, Sheriff Tucker.

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A Good morning.

Q You became sheriff in 2012; am I correct?

A That's correct.

Q And at that time, is it correct, sir, that you were of the view that race relations in Madison County needed improvement?

A I think there is always room for improvement. I don't know that there was a need at the time, specifically, to address that, but that was one of our missions, yes.

Q Okay. In fact, improving race relations you considered to be one of your main objectives as sheriff; is that correct?

A Yes.

Q What have you done to improve race relations since becoming the sheriff?

A Uh -- one of the main things that the department did or that I did through the department was create a community advisory group, wherein we took members or representatives from each municipality in the county, as well as members from the county jurisdiction, to bring those into a setting within the department to discuss the procedures of the sheriff's department and to have

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those members go back out into the public and have a venue to be able to bring their concerns and have a discussion.

Q Is there anything else you have done to improve race relations in Madison County since becoming sheriff?

A We have strengthened our DARE program within our county schools. That's a fifth-grade-gear program, wherein we go into the schools and teach the kids about law enforcement, about -- uh -- well, about law enforcement as a whole and drug resistance and alcohol resistance through that program.

We implemented an Explorer program wherein we involved all 14 to 18-year-olds within our school system, encouraged them to join the Explorer program, where they are basically, they give up, it was a period of eight weeks during their summer vacation to come in and participate in, basically, a mini-police academy to see what the profession of law enforcement entails to educate them on the day-to-day operations of being a police officer.

There is any manner of things. We have held general meetings with our staff and encouraged them

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to be professional, to treat people fairly, just to smile and say "hi."

Q You mentioned a fifth-grade program, and I don't know if you said DARE or There. What did you call it?

A DARE.

Q D-A-R?

A D-A-R-E.

Q And what are those? Do those letters stand for something?

A Drug Awareness Resistance Education.

Q Okay. Other than the items you have just listed, is there anything else you have done since being elected to the office of sheriff to improve race relations in Madison County?

A I can't cite specific instances. I'm sure along the way there's been other things. Those are the highlights.

Q Let me go, perhaps, backwards of the list you just gave me. You mentioned general meetings of the staff.

A That's correct.

Q Is race discussed at those meetings?

A I don't know race, per se, but the equal

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treatment of all citizens, yes.

Q In what way is equal treatment of all citizens discussed at those meetings?

A Uh -- I think it's a general term, basically, to treat everybody with respect. I think race would fall under everybody.

Q And who gives this instruction "treat everybody with respect"?

A Either the chief or myself.

Q Okay. And how often are these meetings held?

A We have at least one annually. Occasionally, there's more than one. Two or three. If the need arises, we will have a meeting.

Q And can you recall race being mentioned, specifically, at any of these meetings since you have become sheriff?

A No, that's what I was just stating. Not race, specifically. Just in general terms to treat everyone fairly professionally, courteously.

Q Have you -- and we'll leave this lawsuit aside, any conversations in connection with it, have you, in your years of sheriff, had any conversations explicitly regarding race in connection with the

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performance of your professional duties?

A With my professional duties? No, not that I recall.

Q Let's talk about the Community Advocacy Group, if I have that correct?

A Community Advisory Group.

Q Advisory Group.

A Yes, sir.

Q I wrote it down wrong. Thank you. When was that created?

A I believe it was the first year I was in office. I believe it was in -- uh -- I want to say around April of that year. April of 2012, I think.

Q And what is the composition of that group?

A There are two members of each municipality or two residents that reside within each municipality of the county. There's four municipalities. There were two representatives from county jurisdiction or jurisdiction outside of those municipalities, and then one at-large representative.

Q So if I count correctly that's -- uh --

A Eleven.

Q -- 11 people?

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A Yes.

Q Okay. And the four municipalities, those are the towns or the cities within?

A Correct.

Q And so can you list those for me?

A Flora.

Q Uh-huh.

A Canton, Madison, and Ridgeland.

Q And then the two on top of that are from unincorporated portions of the county? Is that how I understand your testimony?

A Correct. Possibly three. The one at-large could be from a municipality or county jurisdiction.

Q And how were these 11 people selected?

A They were selected by -- well, I can't give you the exact criteria. Mark Sandridge assisted me in that, so I don't want to give you inaccurate information.

Q Okay. Has the membership changed in the, I guess, nearly six years you have been sheriff?

A It's rotated annually where those members nominate other members within the community.

Q And how often does the group meet?

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toward their future, to get involved, to see what police work is about -- uh -- possibly as a future or to certainly encourage them in an environmental structure.

Q So how many kids, if you know, right now, approximately, are in the Madison County Explorer Program?

A I don't know how many are active right this minute. I don't have that figure, but there is -- you know, once they're 18, they're out of the program. We've got some -- uh -- some of the graduates that actually work for the sheriff's department ran through that program. One is a dispatcher, one is a jailer. I can't give you an exact number, how many are actually active right now.

Q Okay, and is it the one entrance at 14 and graduates at 18, or can you come in at any time?

A You can come in at any time between those numbers of years. Any time between the age of 14 to 18.

Q Okay, and is discussion or addressing issues of race part of the Explorer program?

A I don't know that an actual discussion is

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held about race. There's a discussion about how to treat people of all races equally and fairly -- just as an officer would receive that same type of instruction.

Q Okay, but just to be specific, because I think you previously testified that, at least with your officers, race is not explicitly discussed. In the Explorer Program, do you believe race is discussed, you should treat all races the same or equally or whatever?

A I think you asked me at the general meeting if race was discussed, generally.

Q Why don't we go back to -- let's focus on the Explorer program, and then we'll go back.

A I just don't want you to mischaracterize what I said. But go ahead.

Q Let's stick with the Explorer Program for a moment.

A Okay.

Q Is race explicitly discussed as part of the Explorer program?

MR. ROSS: Objection. He's asked and answered it.

A I don't know that the term "race," itself,

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is used. Equal treatment of all races is taught and encouraged.

Q (Mr. Youngwood) And so my question is, is it taught and encouraged by saying "equal treatment of all people," or is it taught and encouraged by saying "equal treatment of all races," or a synonym for the word "race"?

A You know, I can't sit here and tell you that I have attended every session of an Explorer class. Equal treatment of all persons, human race, whatever race you want to, however you want to label it, equal treatment of all people is encouraged.

Q Okay. We discussed the general meetings. I do believe you gave testimony already regarding other aspects of your work as sheriff, but let's go back to it because you have raised it.

Putting aside the general meetings, in connection with your work as sheriff over the last almost six years, have you had explicit discussions concerning race unrelated to this lawsuit?

A Yes.

MR. ROSS: I object to the form. You can answer to the best of your ability.

Q (Mr. Youngwood) Tell me in what context

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those have taken place, please?

A Anytime we have a new employee that goes through orientation, the chief and I generally have a meeting with them -- uh -- whether it be one or a dozen new employees at a time, and I tell them that I want them to treat everybody with professionalism, with courtesy, with respect. I don't care if they're black, white, Hispanic, male, female, Indian, green, yellow, brown. I don't know if I say those exact words in every time, but, yes, I do say that.

Q Okay, and whether you say those exact words every time or not, you explicitly raise race?

A Yes, I do.

Q Okay. And any other ways in which you discuss race as part of your professional duties?

A As part of my professional what?

Q Duties. As your job as sheriff?

A I'm sure the term comes up all of the time, yeah.

Q But do you discuss problems with race relations in Madison County?

A I'm sure I have at some point, yeah.

Q Can you remember any specific instances?

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2 A I can't cite a specific instance, but if
3 it's brought up, I'm sure that it's addressed.4 Q Have you had discussions regarding
5 disparate treatment of the races in Madison County
6 by your officers since you became sheriff?7 MR. ROSS: Object to the form. Do
8 you understand the question?9 A I do not. Would you rephrase it or repeat
10 it?11 MR. YOUNGWOOD: Would you read back
12 the question, please?13 (COURT REPORTER READS BACK WITH
14 DIFFICULTY WITH WORD)

15 MR. YOUNGWOOD: Disparate.

16 A I'm ignorant to that word.

17 Q (Mr. Youngwood) Treating races
18 differently by your officers?19 A I can say that since I've taken office I
20 haven't had it brought to my attention.21 Q You track the -- uh -- race of the people
22 who are involved in incident reports; correct? Let
23 me say that differently.

24 A I do not.

25 Q Let me say that differently. Incident

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2 reports record the race of people who are mentioned
3 in incident reports?4 A There is a block where you, it asks for
5 race, yes, yes.6 Q And so you have data available to you that
7 tells you the race of people who are involved in
8 incident reports dating back to before you maybe
9 became sheriff?

10 A Yes.

11 Q That's available to you?

12 A Yes.

13 Q Have you ever made any observations about
14 the different way in which race, the people of their
15 various races are treated by your officers by going
16 through incident reports and looking at the races of
17 the people involved?18 A I don't know that an incident report would
19 indicate the different treatment, but no.20 Q Have you ever, and we'll leave this
21 lawsuit aside, observed whether or not the races are
22 arrested at rates proportionate to their
23 representation in the county?

24 MR. ROSS: Object to the form.

25 A I don't differentiate in the race. We

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2 arrest people who violate the law, regardless of
3 their race.4 Q (Mr. Youngwood) Are you aware that your
5 officers arrest black people at a rate five times
6 that that they arrest white people?

7 MR. ROSS: I object to the form.

8 A I don't know whose figure those are. I
9 haven't done any figures though.10 Q (Mr. Youngwood) You have read the
11 complaint in this case?

12 A I have.

13 Q We'll get to the complaint in a bit.

14 Going back to the beginning question: You noted
15 that -- uh -- and, again, I'm not trying to put
16 words in your mouth so you can correct me, but I
17 believe your testimony was that race relations can
18 always be improved, and that was your observation at
19 the time you became sheriff?

20 A Absolutely!

21 Q What needed improvement in Madison County
22 race relations at the time you became sheriff?

23 MR. ROSS: I object to the form.

24 He's the sheriff. He's not involved in
25 every aspect of the county. Answer to the

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2 best of your ability.

3 A Can you repeat the question?

4 MR. YOUNGWOOD: Please read it back.

5 (COURT REPORTER READS BACK)

6 Q (Mr. Youngwood) Let me ask it clean and
7 the court reporter is correct, and I'm going to
8 be -- I'm going to be, I'm sure part of the problem
9 here is we both need to try not to talk over each
10 other or we'll have a mess of a record. What was
11 your understanding at the time you became sheriff of
12 what aspect of race relations needed improvement in
13 Madison County?14 MR. ROSS: Object to the form. Broad
15 and vague. You can answer.16 A It was my opinion at the time that all
17 races needed to be involved more, and there needed
18 to be more transparency within the department to the
19 community that we involve everyone in what we were
20 doing and have involvement from the community that
21 we serve. I felt like that was one of our biggest
22 missions coming into office.23 Q (Mr. Youngwood) And anything else that
24 was your observation regarding the need to improve
25 race relations in Madison County at the time you

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Q Okay, and if you'd look at page 19 of the document?

A (Witness adheres).

Q Is that your signature, sir, under "respectfully submitted"?

A Yes.

Q Okay. And you believe the responses within this document above your signature to be accurate?

MR. ROSS: I object to the form. You haven't given him time to read it right now, but answer to the best of your ability.

A Yes.

Q (Mr. Youngwood) You wouldn't have signed it if you didn't believe it to be accurate; correct, sir?

A Yes.

(Exhibit 4 marked for the record)

Q Okay. I'll give you what's been marked Exhibit 4. These are Defendants' Response to Plaintiff's First Set of Requests for Admission. Is this a document you recognize, sir?

A Yes.

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Q Okay. And were you -- is it a document you reviewed prior to it being filed?

A I think so, yes.

Q Okay. Do you believe it to be accurate, sir?

MR. ROSS: Object to the form.

Request for Admissions are answered by attorneys, not by the party. And, Sheriff, take your time to read it if you need to.

A I've read it, yes.

Q (Mr. Youngwood) Yes, you believe it to be accurate?

A Yes.

Q Sir, you have sat through a number of the depositions in this case; correct?

A Yes.

Q So by my record, you were here for Deputy Thompson's deposition, Lieutenant Sandridge's deposition, Lieutenant Waldrop's deposition, Lieutenant Wilson's deposition, Sergeant Flax's deposition, and Chief Williams' deposition. Do you recall being at all of those depositions?

A Yes.

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Q And during any of those depositions, did you hear testimony you believed to be inaccurate?

MR. ROSS: I object to the form.

That's several days of deposition asking him to recall.

A I --

MR. ROSS: You can answer.

A I recall a couple of instances where I believe I disagreed with what was said, yes.

Q (Mr. Youngwood) Could you, based on your memory, specify those instances for me?

A Without reading back through it, I can't cite them. I just recall that I had the thought that "Well, I don't agree with that," but that was that person's testimony at the time.

Q Do you remember any of those instances, specifically?

A One, yes.

Q What was that?

A The e-mail that Jeremy characterized as unethical.

Q Okay. That's the e-mail with the subject "White Pride"?

A Yes.

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Q Okay. And you disagreed with Chief Williams' testimony regarding the unethical nature of that e-mail?

A Correct.

Q And did you disagree with his statements regarding the violation of department policies associated with sending that e-mail?

A Yes.

Q So you believe sending that e-mail is consistent with your department's policies?

A I didn't say that.

Q Okay. You believe sending that e-mail is not unethical?

A I believe it's inappropriate.

Q Okay. What would be inappropriate about sending that e-mail?

A In a professional setting, I don't feel like that's -- sharing someone else's opinion on a topic like that is not appropriate in a professional setting, I wouldn't think.

Q Okay, and in what way?

A Because there is some derogatory language in there.

Q It's a racist e-mail, right, sir?

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2 MR. ROSS: Object to the form.

3 A You would have to ask the gentleman who
4 wrote it what his view was at the time. It's
5 certainly not my opinion.6 Q (Mr. Youngwood) And when you forwarded
7 that e-mail, did you tell anyone that you disagreed
8 with the contents?9 A I don't even recall the e-mail, to be
10 honest with you. I don't recall receiving it or
11 sending it.

12 Q Okay.

13 MR. YOUNGWOOD: I'll mark this tab,
14 I'm sorry, Exhibit 5.

15 Exhibit 5 marked for the record)

16 Q (Mr. Youngwood) This is the e-mail you're
17 referring to, sir?

18 A Yes.

19 Q Okay. Have you had occasion to read this
20 e-mail since Chief Williams's testimony last week?21 A To be honest with you, no, I haven't read
22 it in its entirety.

23 Q Okay. Who is Joe Butler?

24 A What do you mean, "who is he?" He's Joe
25 Butler, Joey Butler.

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2 Q Okay. How do you know him?

3 A He's an employee at the sheriff's
4 department.5 Q Okay. And he forwarded this e-mail to you
6 and to a number of other people; correct?

7 A Yes, it appears.

8 Q Okay, he sent it to you at your Madison
9 County Sheriff's Department e-mail address; correct?

10 A Yes.

11 Q Okay. And then you sent it on to one,
12 two, three, four, five, six, seven people, if I
13 count correctly?

14 A It would appear.

15 Q Can you tell me who each of these people
16 are?17 A Brad Harbour was a deputy with the
18 sheriff's department. MSO 18, I believe. I believe
19 it's Tommy Jones. Don't quote me on that, but I
20 believe that's who that was.

21 Betty Tucker --

22 Q And let me just interrupt you. Tommy
23 Jones a sheriff department employee?

24 A Yes.

25 Q Okay.

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2 A Betty Tucker is my mother. Trey Curtis
3 was a deputy. Taylor Chastain is a deputy. Tommy
4 Jones -- so that MSO 18, that may or may not -- I'm
5 not sure who the MSO 18 is, to be honest with you.

6 Q Okay.

7 A Tommy Jones -- uh -- and John Martin
8 Harris.9 Q And are Jones and Harris also department
10 employees?

11 A Yes.

12 Q Okay. And I went through this with Chief
13 Williams, but he didn't know the answer to all.
14 Could you go through the people that Mr. Butler sent
15 the e-mail to and tell me, if you can, whether or
16 not they work, worked for the Madison County
17 Sheriff's Department at the time this was sent? And
18 if not, if you could tell me if you know who they
19 are, please?20 A Kevin Akins. I don't know him. Brian
21 Albin, I know the name, but I don't know from where.
22 Trip Bailey, I don't know. Doug Barneski, I don't
23 know. Chief Belvedresi (sic) was, that's Eddie
24 Belvadressi. He was a department employee. LeeBo
25 Brock was a department employee. Mike Brown is a

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2 constable, duly elected constable in Madison County,
3 as well as a police officer in the City of Madison.
4 Bryan Burnside I know just in my personal life.
5 He's not a police officer, not affiliated. Brad
6 Butler, I do not know. Jim Butler -- uh -- Joey
7 Butler's father's name is Jim Butler. I don't that
8 that's the same person, but probably so. Taylor
9 Chastain was a deputy. Sean Dodds is a business
10 owner in Gluckstadt. Amanda Dodds is his wife. Lee
11 Drake, I believe, is with the attorney general's
12 office for Mississippi. I believe. He was with
13 Ridgeland, but I believe he's now at the attorney
14 general's office.15 Robby Gray, I do not know. Brad Harbour is a
16 constable in Madison County. Josh/Andrea Harkins, I
17 do not know. Wait, yes, I do. Josh Harkins is a, I
18 think he's either a representative or congressman of
19 some type. Jay Houston is an investigator with the
20 attorney general's office. Bee Hudson is a Madison
21 County employee. Taco Johnson, I know a Taco and
22 Richard Johnson. I can't say that that's the same
23 person, so I'll withhold comment on him. Chad Joy,
24 I do not know. Jason King, I don't know. Russell
25 Kirby is a current employee of the sheriff's

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black drug dealer running from the law and posing a threat to society, you call him a racist." Do you see that?

A I do see that.

Q Well, would you agree that if a white police officer should say "black gang member or at least beats up a black drug dealer running from the law," that that is a racist act, sir?

MR. ROSS: Object to the form. No context.

A If he's running away? Is that your question?

Q (Mr. Youngwood) Let me ask the question differently. You have read this paragraph, and you've read the e-mail. In the context of this e-mail, would you agree with me that this paragraph expresses racist sentiment, sir?

MR. ROSS: Object to the form. You can answer.

A I think each incident would be unique. I don't know if he's running shooting, or if it's just a flight, no, I wouldn't agree that the officer should shoot him, and I wouldn't agree that if he did, it would necessarily be a racist act. It would

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be a criminal act.

Q (Mr. Youngwood) Do you have an opinion, sir, as to whether or not this paragraph, in the context of this e-mail expresses racist sentiment?

MR. ROSS: Same objection.

A I think this, as well as the rest of the text, is inappropriate, yes.

Q (Mr. Youngwood) Okay. You think it's inappropriate. Do you think it's racist?

A The whole context of the e-mail can be considered that from any point of view, yeah.

Q Do you believe it to be racist? This e-mail?

A It's not an e-mail that I would send, if that's what you're asking me.

Q It's not what I'm asking you. I'm asking you if you think it's racist?

A The context of this e-mail? Yes.

Q This is a racist e-mail?

A This man's opinion is a racist opinion.

Q Okay. If you'd go to the front of the e-mail, please? You sent it, as we went through, to seven people?

A Let me see. 1, 2, 3 -- yes.

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Q Are all of them white?

A Yes.

Q And you went through the list of people that Mr. Butler sent it to. I recognize you don't know all of them, but for those that you earlier testified to that you are able to identify, were all of them white?

A I think you said the ones I don't know?

Q Right. I can't ask you about the ones you don't know.

A I don't know about the ones that I have no affiliation with, but the others, yes, they're white.

Q Okay. You can put the e-mail aside for now. We got to this e-mail because you have identified it as related to one aspect of Chief Williams' testimony that you didn't agree with. Were there any other specific instances of testimony, of the six depositions that you sat through, that you thought was wrong or you didn't agree with?

MR. ROSS: Object to the form. You can answer to the extent you can recall.

A I recall at some points in some of the

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testimony that I thought to my head, I don't know that that's right or that I don't agree with it, but I can't sit here and tell you what those were.

Q (Mr. Youngwood) Okay. There were -- there have been approximately 10 other depositions in the case that you did not attend. Have you been apprized as to the contents of those depositions?

A No.

Q You have not seen the transcripts for those depositions?

A No.

Q While on the topic of other depositions, sir, what role, if any, have you played in connection with the depositions that have taken place in this case of your deputies and officers?

A You mean the actual depositions?

Q Let me ask a better question. You attended some, we know that. You didn't attend others. Did you discuss testimony with any of the officers or deputies who have testified prior to their testimony?

A I sat in meetings with my attorneys with them, yes.

Q Did you have any conversations with any of

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 2 Ohio" or "Jeff from Ohio"?
 3 MR. YOUNGWOOD: Jeff Ohio. And he
 4 may also be from Ohio. I don't know.
 5 Q (Mr. Youngwood) Let me give you two
 6 documents at once, sir. One is Exhibit 7 and one is
 7 going to be Exhibit 8.
 8 (Exhibits 7 and 8 marked for the record)
 9 Q Exhibit 7 has Bates Number 1182, and
 10 Exhibit 8 has Bates Number 955. And the reason I
 11 asked about Mr. Ohio, if, in fact, that's his name,
 12 released these e-mails, does this refresh your
 13 recollection as to Mr. Ohio?
 14 A I vaguely recall this e-mail, yes.
 15 Q Okay. Do you know who this person is?
 16 A I have no idea.
 17 Q Did you respond to these e-mails in any
 18 way?
 19 A No.
 20 Q Did you review them when they came in?
 21 A I'm sure I read it.
 22 Q Okay. Did you take any action with
 23 respect to receiving them?
 24 A No.
 25 Q Okay. The first one, Exhibit 7, it says

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 2 "In your statements to the press, you stated your
 3 deputies are professional law enforcement officers."
 4 Well your deputies did not appear very professional
 5 when they were forcing Mr. Manning to sign the
 6 documents that he did not want to sign. A
 7 professional law enforcement officer would know that
 8 Mr. Manning has a Fifth Amendment right to remain
 9 silent. Professional is a strong word. How about
 10 Thug or Criminal? Sincerely, Jeff."
 11 Do you see that?
 12 A I do.
 13 Q Okay. I take it you don't agree with
 14 Mr. Ohio's sentiments in this e-mail?
 15 A Absolutely not.
 16 Q Okay. We'll talk about Mr. Manning later.
 17 The second e-mail 8, "Mr. Tucker, I would like to
 18 request to know if any of the officers in the video
 19 featuring Mr. Manning have been disciplined or fired
 20 because as I'm sure you know, it is a violation of
 21 the Constitution to force citizens to sign
 22 documents. If you would get back to me as soon as
 23 possible, I would appreciate it."
 24 Do you see that?
 25 A I do see that.

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 2 Q Okay. You did not respond to this e-mail
 3 either; is that correct?
 4 A No.
 5 Q And his question, "if any of the officers
 6 featured in the video of Mr. Manning" -- well, let
 7 me take a step back. Have you seen that video?
 8 A Yes.
 9 Q Okay. And have you identified the
 10 officers that are in that video at any time?
 11 A Yes.
 12 Q Okay. Have any of them been disciplined
 13 in connection with that incident with Mr. Manning?
 14 A No.
 15 Q Okay. We'll discuss that later, as well.
 16 You can put this one aside. Today in your job, what
 17 e-mail account do you use?
 18 A Excuse me?
 19 Q What e-mail account do you use to perform
 20 your work?
 21 A Rtucker@madison-co.com.
 22 Q And has that -- how long have you used
 23 that account in connection with your work?
 24 A I guess since I started.
 25 Q Which was when, sir?

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 2 A I started with the sheriff's department in
 3 2000.
 4 Q Okay. And you believe you have used that
 5 account consistently since 2000?
 6 A Yeah, I think so.
 7 Q Have you ever used a personal account or
 8 another account in connection with any of your
 9 official duties?
 10 A No.
 11 Q Okay. How about texts? Have you used
 12 texts on your phone?
 13 A Yes.
 14 Q In connection with your official duties?
 15 A Yes.
 16 Q And other officers within the sheriff's
 17 department, am I correct that up until a year or two
 18 ago many of them used personal accounts
 19 in connection with the performance of their official
 20 duties because they did not have -- well, strike
 21 that. Other officers, up until a few years ago, had
 22 used personal accounts in connection with their
 23 official duties; is that correct?
 24 MR. ROSS: Object to the form.
 25 Asking him about things that may not be

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three years. I don't recall a date that they replaced that computer.

Q Do you use a laptop?

A I do not.

Q Do you use any computer for your work, other than the computer you just referenced, in your office?

A I have an iPad, but it has nothing on it. All I do is look at the board agenda on it.

Q You don't, otherwise, use it for your work?

A No, sir.

Q Okay. Do you maintain files in your office at work?

A No.

Q You don't have any files?

A No.

Q Do you have files at home?

A No.

Q Do you have a county-issued car in some way?

A Yes.

Q Do you maintain any files in that car?

A No.

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A I went and lived with my mother for a short period of time in Dale City, Virginia, I think. Just out -- or Woodbridge. I don't remember the exact name of the county or what-have-you, but it was very short. And, yes, I went and lived with my father in 1988 or '89, for about a year in Holly Springs, Mississippi. Other than that, I have been here.

Q Okay. And you said you did one year of college, approximately?

A No, I started and during my first semester I dropped out.

Q Okay, where was that?

A Mississippi State.

Q Okay. And upon leaving college, did you secure employment?

A Yes.

Q Where did you work?

A I believe Lake -- and I don't have an order. I don't remember. Lake Harbor Marine, I believe, is where I went right after that.

Q Let me abbreviate this. When did you get your first law enforcement-related job?

A In 1994.

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Q So you personally maintain no paper files?

A Any file that I have is maintained at the sheriff's department in our records department.

Q Not in your office?

A Right.

Q And not in files assigned, file drawers assigned to you or something like that?

A Right.

Q Okay. Let's go back in time, sir. Can you briefly tell me your educational history?

A A twelfth-grade education with, dropped out after one, or during one semester of college to raise my son.

Q Where did you graduate from high school, sir?

A Madison-Ridgeland Academy in Madison, Mississippi.

Q So you've lived in Madison County your whole life; is that right?

A No.

Q No? Have you lived in Madison County since graduating from high school?

A Yes. Well, no. Let me back up.

Q Certainly.

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Q Okay. And prior to that, had you had law enforcement training?

A Prior to 1994?

Q Yes.

A No.

Q Okay. So where did you get a -- what job did you secure in 1994?

A I was a detention officer for then Sheriff Jessie Hopkins at the Sheriff's Department in Madison.

Q Have you been employed by Madison County Sheriff's Department continuously since 1994?

A No.

Q Okay. How long did you serve as a detention officer?

A Until, let's see. I think I was hired in March or April and left in July to go to the Canton Police Department.

Q Okay. July of '94?

A Yes, sir.

Q How long were you with the Canton Police Department?

A Until from July of '94 until the -- uh -- until 2000.

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Q And at that point, you re-joined the Madison County Sheriff's Department?

A That's correct.

Q What positions did you have with the Canton Police Department?

A I started off as a patrolman. After a year or 16 months or so, I was promoted to narcotics investigator. And, ultimately, sometime in '98, I believe, to narcotics supervisor.

Q Okay. And upon joining the Madison County Sheriff's Department, what position did you have?

A I was the narcotics investigator.

Q Okay. How long did you hold that position?

A Until -- well, actually, until I was elected sheriff.

Q In 2012?

A Correct.

Q Or elected in 2011? Is that -- will you tell me when you were elected?

A I was elected in November of 2011, to begin the term in January 2012. But let me back up just a minute.

Q Yes, sir.

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A During that period, I was promoted within the narcotics division.

Q Do you remember when that was?

A I want to say I was promoted from master sergeant to lieutenant, and I want to say it was July 2002. And then sometime around 2007 or '8, I was promoted to a captain, which I held, ultimately, that position until I was elected sheriff in November of 2011.

Q Going back to 1994, when you secured your first law enforcement-related job, did you receive any training in connection with assuming that job? Detention officer?

A At that time, it was just in-house training or on-the-job training, I guess you would say. Just training about proper procedure to do things within the department.

Q Did you later receive more formal training?

A No, I actually left there before I was sent to any detention officer school.

Q And how about when you were with Canton, did you receive training?

A After I was hired in July, I attended the

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Mississippi Law Enforcement Officers Training Academy in Pearl, Mississippi. I don't remember the exact start date, but I graduated on, I think it was November 18th of that same year.

Q Okay. Did -- and I understand it was a while ago -- did that training include any instruction regarding issues related to race?

A Uh -- I don't want to sit here and try to cite the curriculum because it has been much too long, but I think the curriculum is pretty well the same today that it was back then. So I would say, I don't know that it said the word "race," but it definitely addressed the treatment of all individuals.

Q Okay. And since obtaining that -- I'm sorry, attending that program, have you received further training, further formal training?

A Yes.

Q And it may be quite a bit --

A Ooh!

Q -- but why don't you list for me what you recall?

A First line supervisor one and two. Basic narcotics investigation, undercover surveillance.

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Gang violence. Wow! Uh -- I'm trying to -- T Kat and criminal patrol. Shoot, I don't know. It's extensive.

Q Can you recall any of those later programs, either the ones you've listed, or the ones you haven't listed, concerning training, specifically regarding race or race relations?

A I don't know that specific, that it was addressed specifically to that topic, no.

Q Okay. In terms of the training that you currently give your officers, does any of it cover race or race relations?

A Uh -- we've recently, and I say "recent," I don't remember the exact dates in the last couple of years, have had -- uh -- the FBI come in and do civil rights training for our detention officers and our deputies. That was specific to civil rights stuff.

I don't know that any other, anything else we do. You know, we have sent some officers to Spanish classes to be able to speak with the Hispanic population that speaks that language solely within our community. I don't know that there are any specific classes geared toward race or geared toward

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 2 everyone, I think.
 3 Q Let's take a look at Exhibit 3, which is
 4 in your stack, sir. It's the interrogatory
 5 responses. And I'd like to refer you to, sir, it's
 6 about halfway through the document. After the
 7 signature pages that we looked at earlier, there's
 8 some pages with Bates numbers that say MC-INT. It
 9 begins 1-1, but I want to refer you to 1-2.
 10 A Okay. I believe I have it.
 11 Q Okay. There's a description here in these
 12 responses of job descriptions. If you can see, they
 13 start on 1-1 and they continue to 1-2?
 14 A Yes, sir.
 15 Q And sheriff is listed toward the
 16 middle-ish of the page on 1-2. Do you see that?
 17 A Yes.
 18 Q And it says, "Senior executive position.
 19 Serves as the point and authority for the entire
 20 department. It develops policy and procedure and
 21 directs all activities of the department." Do you
 22 see that?
 23 A Yes.
 24 Q Is that a correct description of your job
 25 responsibilities, sir?

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 2 sheriff?
 3 A Yes.
 4 Q And what are those?
 5 A I had a narcotics officer that committed
 6 fraud that, ultimately, confessed to his crime and
 7 was terminated.
 8 Q Okay. Any others?
 9 A I had an officer that, basically, was
 10 found to be in possession of a firearm that he did
 11 not turn in as evidence, and it was located at his
 12 residence. He was terminated.
 13 Q Okay. Any others?
 14 A Uh -- not that I can think of off the top
 15 of my head. I'm not saying there aren't, but I --
 16 Q I understand.
 17 A Yeah.
 18 Q Other than those two incidents and
 19 recognizing there may be others that come to you,
 20 are there any other acts of your officers or
 21 deputies that you're aware they have committed in
 22 connection with their professional responsibilities
 23 that you do not believe you're responsible for?
 24 MR. ROSS: Object to the form.
 25 Answer if you can if you're responsible

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 2 A Among others, yes.
 3 Q We'll come back to this, but what are the
 4 others?
 5 A Well, I think, basically, I oversee
 6 personnel for the department. Now, a lot of that I
 7 delegate, but, ultimately, I'm responsible for
 8 everything in the department.
 9 Q Okay. And being responsible for
 10 everything means you're responsible for the policies
 11 of the department; correct?
 12 A Yes.
 13 Q You're responsible for the procedures
 14 undertaken by the officers and the deputies within
 15 your department; correct?
 16 A Yes.
 17 Q You're responsible for the acts of your
 18 officers and deputies; correct?
 19 A No.
 20 Q Okay, why not?
 21 A Well, I'm certainly not responsible for
 22 any criminal act they commit or anything of that
 23 nature.
 24 Q Okay. Are you aware of any criminal acts
 25 that your deputies have committed since you became

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 2 for the policies and procedures, and then
 3 if you follow them on every patrol.
 4 (COURT REPORTER ASKS FOR
 5 CLARIFICATION)
 6 MR. ROSS: He doesn't follow them on
 7 every patrol.
 8 A While they are on duty, I would say that
 9 outside of a criminal act or a violation of the law
 10 or someone's rights, I would say that I oversee
 11 their activities or probably am responsible for
 12 their activities.
 13 Q (Mr. Youngwood) Okay. And we had covered
 14 violation of the law a moment ago. You also then
 15 listed violation of rights. Other than, perhaps,
 16 the two incidents you listed that were criminal
 17 violations, are you aware of any of your officers,
 18 since you have been sheriff, violating anyone's
 19 rights?
 20 A No, I'm not.
 21 (Exhibit 10 marked for the record)
 22 Q I'm giving you Tab 10, sir. I'm sorry,
 23 Exhibit 10. Sir, this is a collection of material
 24 that I believe you're probably more familiar with as
 25 sitting in a binder, but it's titled "Policies and

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Q And you were employed by the Madison County Sheriff's Department in 2006; correct?

A Yes.

Q Were you aware that a group of Canton residents had presented certain grievances to the Madison County Board of Supervisors?

A I wasn't aware of any petition or anything to the Board of Supervisors. I was aware of David Archie, who is a good friend of mine, who was, I guess a liaison for some residents in the City of Canton.

Q I'm sorry, what about Mr. Archie were you aware of?

A I think he -- I think they -- uh -- if this is what I'm thinking of, I think they, ultimately, marched from Canton towards the sheriff's department and went to ultimately arrest -- he was ultimately arrested, I think by then Chief Robert Wynn of the Canton Police Department.

Q Did you have an understanding as to what prompted their march?

A No, I was not privy to any administrative proceedings back then.

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Q Did you have an understanding as to what message they were seeking to convey by making this march?

A No, I didn't participate in that. I was over the narcotics unit.

Q Were you aware that there were complaints raised in 2006 regarding frequent roadblocks in predominantly black neighborhoods?

A I'm aware that there were complaints of roadblocks all over Madison County.

Q In 2006?

A Yes.

Q What was the nature of the complaints that you were aware of in 2006?

A They're always going to have somebody unhappy if they have to sit at a roadblock. I don't know the nature of any complaint. I know there were some complaints made about roadblocks back then, but I couldn't tell you who made them or where they were generated from.

Q Were you aware of complaints regarding racial profiling?

A No, I was not.

Q The Clarion-Ledger, is that a newspaper

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you read?

A No. I do not read it.

Q What newspapers do you read?

A I don't read newspapers.

Q Okay. How do you get your news?

A Occasionally, I watch it on the television, but I generally try to form my own opinion. I don't base it off of what the news opinion is.

Q Well, how do you get your facts that serve as the basis for your opinion?

A I investigate if I want to know something before I give an opinion. I don't just blurt it out.

Q Okay. How do you learn about news and facts within Madison County?

MR. ROSS: Object to the form.

Broad.

A Can you be more specific? I don't know what news or facts you're referring to.

Q (Mr. Youngwood) Well, we can focus on what we have been discussing, paragraph 118 of the complaint. You said you were aware of a march. You said you were aware of complaints about roadblocks.

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What was your source of that awareness?

A I had heard from other deputies about the complaints of the roadblocks. I, actually, saw Mr. Archie when he was arrested, with my own eyes. That's not an investigation, if that's what you're asking, but that's how I gave you the information.

Q But you were unaware of the reason for Mr. Archie's march?

A I didn't know what the reasons were.

Q If you'd go to paragraph 121, sir? This references an article in The Clarion-Ledger in July, 2007, regarding District 5 Supervisor, Paul Griffin. Do you know District Supervisor Paul Griffin?

A I do know him.

Q Okay. And were you aware of concerns raised by him that there were people in Madison County who believed that the Madison County Sheriff's Department was perceived as targeting black community members?

A Back then or now?

Q Well, back then.

A I didn't talk to him back then.

Q So you were -- well, what if I change the question to now?

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2 A Well, he and I sit next to each other at
3 every board meeting, and are good friends and
4 discuss issues, and he doesn't understand why I'm
5 being sued either.

6 Q Tell me about your conversations with him
7 regarding this lawsuit.

8 A That was the only remark he made.

9 Q Tell me how long of a conversation.

10 A I just told you that's the only remark he
11 made.

12 Q He didn't understand why you were being
13 sued?

14 A That's what he said.

15 Q Okay. How about The Madison County
16 Journal, is that something that you read?

17 A I don't read the newspaper.

18 Q Okay. Paragraph 123, there's a discussion
19 of a January 2008 article in that publication. The
20 article notes that "Sheriff Trowbridge has been the
21 subject of complaints from African-Americans living
22 in Canton, Florida, who say he practices racial
23 profiling." Do you see that?

24 A Yes.

25 Q Were you aware that Sheriff Trowbridge had

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2 been the subject of complaints from
3 African-Americans regarding racial profiling?

4 A I think I have already testified I didn't
5 know about any racial profiling complaints. I knew
6 there was a complaint about roadblocks, but I don't
7 know where that was generated from.

8 Q And to your knowledge, did that complaint
9 about roadblocks relate to race?

10 A I do not know. I don't know where they
11 were generated from.

12 Q Okay. When you took over as sheriff, you
13 had access to any written complaints that existed
14 regarding Sheriff Trowbridge; correct?

15 A I don't know that I had access or not, to
16 be honest with you. I had never seen any.

17 Q Okay. Put that document to the side for
18 now. Let's return to what we previously marked as
19 Exhibit 10, please, sir. This is the collection of
20 policies. And to that letter that or memo dated
21 January 3, 2012, do you see that?

22 A You're referring to the back of the --

23 Q Yes.

24 A Yes.

25 Q It's the second, it's the second cited

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2 piece of paper in the document. The sentence you
3 pointed me toward earlier, "Variations of these
4 policies and procedures may be made at the
5 discretion of the sheriff," do you see that?

6 A Yes.

7 Q What does that mean?

8 A That means if I decide to change a policy,
9 update a policy, add a policy, delete a policy, that
10 I have that discretion to do that.

11 Q And how would -- if I were employed in the
12 Madison County Sheriff's Department, how would I
13 know if you had done so?

14 A If it was a written policy, you would be
15 advised to place it in your binder. If it was a
16 verbal change in policy, it may be something that
17 was addressed at a general meeting or a verbatim
18 with each division.

19 Q Okay. And so if it was a written policy,
20 it should be in a current version of the manual;
21 fair to say?

22 A Yes.

23 Q Okay. And if it was -- what's a non-
24 written policy?

25 A A non-written policy would be a five guys

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2 don't go to the same restaurant at eleven o'clock
3 for dinner.

4 Q Okay.

5 A It's not written, but they know I don't
6 want five people in the same location for lunch. It
7 looks, gives the appearance to the citizens that,
8 "Hey, who is protecting Madison County?"

9 Q I understand.

10 A Okay.

11 Q And such unwritten policies, you're
12 saying, would be conveyed either at these periodic
13 staff meetings that you testified about earlier this
14 morning; correct?

15 A Possibly.

16 Q Okay. Well, how else would they -- if I
17 worked there, how would I know how to follow your
18 unwritten policies?

19 A Uh -- if it was division-specific, I may
20 call the division head in, or the chief may call the
21 division head in and address something with them
22 personally. That's not written, but if I tell you
23 don't fill out a report in blue ink, fill it out in
24 black ink, and they -- you know, that's the way I
25 want it filled out. Does that answer your question?

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Q Are you aware of any unwritten policies -- strike that. Are there any unwritten policies in Madison County Sheriff's Department regarding race?

A I don't know if they are unwritten or not. I mean, like I said, I address it with every new employee that we get in an orientation-type setting, but I think there is some, some language within the policy and procedure manual, itself, that says to treat all citizens the same or with respect regardless of race, gender. I can't quote it word-for-word.

Q Why don't we take a look at that?

A Okay.

Q And you were here, I believe, when Chief Williams went through Exhibit 10 with me and identified a number of policies in response to my questions regarding race; correct?

A Yes.

Q Okay. Uh -- if we go to page -- well, they're not page numbered, but Section 34? Is this the policy you were just thinking of, sir? Ethics?

A I wasn't thinking of one specific there. I think there is probably more than one area. But -- uh --

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MR. ROSS: Take the time to read that if you need to, Sheriff.

Q (Mr. Youngwood) Read it as much as you wish, sir, but if it would assist you, I think Chief Williams refers to section or Paragraph C of this.

A Yes.

Q Do officers receive any training specifically on this paragraph?

A I'm not sure I follow you. Are you talking about as written in this policy and procedure manual?

Q Yes.

A They're given this manual when they're employed. They are to study and know this manual, and they're not tested on it, I wouldn't say, but I don't know that there's any specific training toward Paragraph C of Policy 34.1, no.

Q You said they weren't tested on this. What steps, if any, do you take to ensure that they actually have absorbed the substance of the policy manual, including Section 34.1?

A Just a verbal questioning. "Have you read and understanding any questions."

Q Anything further?

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A No, there's no other verification, no. They are instructed that they are to know it.

Q Okay. When Chief Williams and I discussed this manual and issues or policies that related to race within it, he also referenced Section 15.1 earlier in the document. Do you see that?

A I see page 15.1, yes, sir.

Q And he referred me to Section A, "Prohibited Activity," Paragraph 2, "Employee shall not make offensive or derogatory comments based on race, color, sex, religion, or national origin, either directly or indirectly to another person." Do you see that?

A Yes.

Q Okay. What if any training or what if any training do your officers receive to ensure they comply with Section 15.1 A, Subparagraph 2?

A I don't know that there's a specific test or training curriculum for 15.1, Subsection 2, but, again, they're instructed to know the policies and procedures, and this is an actual workplace -- uh -- harassment workplace policy. I don't know if there's any specific training. It's pretty much common sense.

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Q Go to Section 24.1. This is another page of the manual that Sheriff, I'm sorry, Chief Williams referred me to. Its title is "Conduct Unbecoming to An Employee." 24.1.

A Okay.

Q And he referred me, I believe, to Section A, Section B, but, generally, to this page. Do you see it?

A I'm on page 24. Are you talking about A under procedures here?

Q Yes, sir.

A Yes, I see it.

Q And then he also referenced me to the next page, "The Law Enforcement Code of Ethics." Do you see that?

A I do.

Q What training or steps are taken to ensure that employees comply with this section of the manual?

MR. ROSS: Object to the form. It's two whole pages. You can answer to the best of your ability.

A Again, they are instructed and sign for this when they're employed and questioned to whether

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or not they have read it and understand it. There's no specific training after it's been issued and the employee acknowledges that they have read it and understand it. There's no specific training to these topics therein. Is that what you're asking me?

Q That is what I'm asking you, yes, sir.

A Okay.

Q And is there any ongoing monitoring to ensure compliance with the sections of the manual that we've discussed in the last five minutes?

A Through supervisors, observations, or the chief deputy's observations, or mine. I mean these are professional men and women. I don't follow them around. But I think if there's a violation of those, it's the duty of those supervisors to bring it to our attention.

Q Okay. And are you aware of, of any violations of the sections of the manual that we have just looked at in the last five or ten minutes being brought to your attention since you have been sheriff?

MR. ROSS: I object to the form. You have brought several to his attention. A

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compound question.

A I don't think he or I have done anything in the last five or ten minutes that would violate that.

Q (Mr. Youngwood) That was -- that was not my question. My question is are you aware, since you have been sheriff, of supervisors bringing to your attention violations of these sections?

MR. ROSS: Same objection.

A I can't cite one. I'm sorry.

MR. ROSS: Same objection.

A I can't cite one.

Q (Mr. Youngwood) Are you aware of any improper behavior tied to race being brought to your attention since you have been sheriff?

A No.

Q Let's go to 37.1, please. It's called "Impartiality." Do you see this?

A Yes.

Q And Subsection A, "No employee will be given or denied any assignment based only upon age, sex, race, religion, politics, or physical handicap unless such action will create a hazardous condition for the individual of others." Do you see that?

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A Yes.

Q Can you tell me how assigning something, assigning somebody, based on race, could create a hazardous condition to the individual or others?

MR. ROSS: Object to the form. It's not what the policy necessarily says.

A Do you mind if I take a second and read it?

Q (Mr. Youngwood) No.

A I don't understand your question, so I want to be sure and read.

Q Yes, sir, take your time.

A (PAUSE WHILE WITNESS EXAMINES DOCUMENT) Okay, now what's your question again?

Q This rule says that an employee can be denied an assignment if such action will create a hazardous condition for the individual or officer. Is that a fair reading of the rule?

A Yes.

Q And it says "that such denial could be based on age, sex, race, religion, politics, or a physical handicap, again, if such hazard, if it would create a hazardous condition." Is that correct?

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A That's what it says.

Q Can you give me an example of how an assignment based on, for example, race, would create a hazardous condition for an individual or others?

A I don't know that it's specific that each section addresses each criteria specifically. There's -- I'm sure there's -- uh -- let me use something other than race. I mean like religion, I wouldn't ask a, let's just say Pentecostal, for instance. They are known for not cutting their hair and wearing skirts and things of that nature. If that's part of their religious belief, I wouldn't ask them to go against that. Does that make sense?

Q I understand.

A By requiring them to wear trousers.

Q But you can't think of a similar example that would apply to race?

A Well, no, and I don't know that this, that that -- I don't know that any subsection of that would apply to every -- I can't think of one that would necessarily apply to sex either, but --

Q Okay. Let's go to 38.1, just the next page. "Police Offenses: Disciplinary," and there's

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be on the driver's license being run. I don't know if that's maintained. It's not on the CAD report, so.

Q Right.

A -- I don't -- I don't think we maintain a --

Q Right.

A -- a log of race on a driver's license.

Q Now, the decision to run a license, that's left to the discretion of the officer; fair to say?

A Yes. That -- the more information he gives about that stop, in the event something happens, yes, the dispatcher would be able to say "we're looking for a vehicle with this tag number or this color vehicle or -- a starting location," where we need to start looking for an incident that may happen, yes.

Q I'm trying to keep with your example that simply somebody stopped, ran a -- I'm sorry, ran a stop sign. So you're not looking for a vehicle. You just stopped somebody. Whether or not to run that license is left to the --

A I don't mean to cut you off.

Q Yeah.

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A But any stop, something can happen.

Q I understand.

A The more indicators he gives about the vehicle, the tag information, the make of the vehicle, the color of the vehicle, the location where they are, that is all information -- the more information they can give his dispatcher, the better off he's going to be in the event that something happens. That's all I was trying to say.

Q I appreciate that, but how much of that information to give is left to the discretion of the individual officer; fair to say?

A Yes.

Q And then whether or not to give a citation for running a stop sign left to the discretion of the officer; fair to say?

A Yes.

Q Okay. What, if anything, does the sheriff's department do to ensure that officers, in exercising their discretion, are not making decisions based on race in the situation we have just been discussing?

A Well, I think it's a lengthy process, to be honest with you. I think it starts at the hiring

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process. You hire good quality folks, good folks of good moral character, you give them a policy and procedure book, and you explain to them the rules and regulations of the department, and you stress that in meetings. I don't know that there's a specific curriculum addressing that.

Q Okay. Is there any monitoring of the actual behavior of the officers that your department performs to ensure that people are not exercising the discretion in some manner, based on race?

A Aside from the supervisors or the chief deputy or myself watching or listening to the radio, there's -- I don't keep my hand, my phone on them, no. I've got professional deputies. I don't have to do that.

Q Okay. So nothing is done, for example, to determine whether or not certain deputies give citations to flag people at a higher frequency than they give them to white people for similar offenses?

A If I received a complaint or information that a certain deputy was being indifferent, absolutely, I would monitor that more closely to ensure it.

Q Okay. Have you ever received such a

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complaint?

A I have not.

Q Let's also discuss roadblocks. My understanding is that at roadblocks, cars are stopped and that driver's licenses are requested. Is that fair, initial summary of what happens at a roadblock?

A Yes.

Q And is that discretionary? If somebody is driving through a roadblock, do the officers have any discretion not to ask for that driver's license?

A No, we stop every vehicle and ask for those. If that's the purpose of the roadblock, to check driver's license.

Q We'll get to the purposes of the roadblocks in a bit, but you, I think you have been in the room, sir, when there's been testimony from officers, for example, that if the roadblock gets backed up, cars get waved through; correct?

A Yes.

Q And so the determination of whether or not the roadblock is backed up and which cars to wave through, that's left to the discretion of the officers; fair to say?

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2 A It's based on the circumstance, but yes.

3 Q And once somebody is stopped at a
4 roadblock, it could be that the officer observes a
5 busted taillight or some other infraction of that
6 nature; correct?

7 A Yes, that's possible.

8 Q And they would be empowered to issue a
9 citation in that case, as well; correct?10 A They could issue a citation for any
11 infraction, yes.12 Q Okay. And for some infractions, they
13 could arrest an individual; correct?14 A Under the law, you can arrest an
15 individual for any infraction.16 Q Okay. So somebody has a busted taillight,
17 one could be arrested for that?

18 A Yes, you could.

19 Q Okay. And so if somebody has a busted
20 taillight, am I correct there are at least three
21 broad categories of options: Arrest, citation, or
22 wave the person through with a verbal warning; is
23 that fair to say?

24 A Those are three options, yes.

25 Q Okay. And if the third option is taken,

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2 the verbal warning, would there be any record of
3 that?4 A No. Unless he calls it into dispatch and
5 says "verbal warning." There would be no written
6 record, no.7 Q But there is no requirement that one calls
8 in a verbal warning?

9 A No.

10 Q Okay. Citation, there would be a record;
11 correct?

12 A Yes.

13 Q Incident report or no incident report, in
14 case of a citation at a roadblock?15 A There is no incident report on the ticket.
16 There would be a general CAD report on the
17 roadblock, itself.18 Q Okay. But the CAD report, and we have
19 discussed, probably does not indicate the race;
20 right?

21 A Right.

22 Q And, certainly, this is going back to the
23 other category, if there's no record of a warning,
24 there is going to be no record of what race it is of
25 the people who got the verbal warning; right?

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2 A Right.

3 Q Okay. Arrests would have to be an
4 incident report; correct?

5 A It should be an incident report, yes.

6 Q And then we would know race; right?

7 A Yes, there's a block for race on an
8 incident report.9 Q And between the three options we have just
10 outlined at the roadblocks -- a verbal warning,
11 incident report, or arrest -- that is also left to
12 the discretion of the officers, depending on the
13 situation; correct?14 A Can you repeat that, because I -- my
15 inclination is to say no, but I want to make sure.16 MR. ROSS: Are you still talking
17 about the taillight example?18 MR. YOUNGWOOD: The taillight
19 example, yes.

20 A Okay.

21 Q (Mr. Youngwood) So taillight example at a
22 roadblock, whether or not there's an arrest, a
23 citation, or a verbal warning without a record
24 created, that's left to the discretion of the
25 officer?

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2 A No. Part no. Part yes.

3 Q Okay. Explain, please.

4 A The arrest is not -- there's no discretion
5 to the officer whether or not he writes the report.
6 There's a report due on every arrest. The other
7 two, yes.8 Q Okay. I'm sorry. Thank you. I
9 appreciate the elaboration. I was asking a more
10 basic question which is which of those three
11 options -- arrest, citation, verbal
12 warning/nothing -- that decision is left to the
13 discretion of the officer?14 A Whether or not to issue a citation, the
15 officer doesn't have to arrest you for the busted --
16 he doesn't have to arrest you for any of them,
17 unless it's a warrant for a busted taillight from a
18 previous encounter.19 Q All right. So whether or not to arrest is
20 left to the discretion of the officer?

21 A Yes.

22 Q Okay. And whether or not to issue the
23 citation is left to the discretion of the officer?

24 A Yes.

25 Q Or whether or not to either give a verbal

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 2 warning or no warning, left to the discretion of the
 3 officer; correct?
 4 A Yes.
 5 Q And are there any written policies or
 6 procedures that guide officers in exercising that
 7 discretion?
 8 A No.
 9 Q And you just said, sir, that the decision
 10 of whether or not to exercise a warrant and arrest
 11 somebody, that is not discretionary?
 12 A I think there are instances where common
 13 sense and good judgments has to be used, but the
 14 warrant, itself, is commanding you to take the body
 15 of.
 16 Q Okay. So in certain circumstances,
 17 officers may exercise their discretion not to
 18 enforce a warrant on the spot?
 19 A Yes.
 20 Q Okay. And that's a use of their
 21 discretion again; correct?
 22 A I want to make sure you understand that
 23 that's only under very limited circumstances. If I
 24 was to pull someone over and I recognize her and
 25 know she's got a warrant and she's in labor,

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 2 obviously, I'm going to let her go to the hospital
 3 and have the baby.
 4 Q So you said if you recognize her?
 5 A Yeah, from a previous encounter, yeah.
 6 Q So if you didn't recognize her, you --
 7 A I would still let her go and have her
 8 baby.
 9 Q Well, what is the relevance of the
 10 recognize in your answer, sir?
 11 A It was trying to give you an example.
 12 Q Okay. Going back to the overall taillight
 13 at a roadblock situation, is there any monitoring
 14 that you do of your officers to ensure that the
 15 "exercise at their discretion" between those three
 16 categories is not in some manner based on race?
 17 A No, I don't keep a thumb on the
 18 supervisors on the shift or at the roadblock unless
 19 I get a complaint of a certain officer that is
 20 exhibiting that type of conduct, and then I would
 21 look into it further.
 22 Q Okay. And even in some serious situations
 23 there is some discretion left to you and your
 24 officers regarding whether or not to arrest people
 25 for what might constitute a crime; is that fair to

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 2 say?
 3 A Yes.
 4 Q And so I'm going to refer you -- I'm going
 5 to refer you to an incident that I saw in the press
 6 that, apparently, took place in May 2016, regarding
 7 the unfortunate death of a child in a hot car. Do
 8 you recall that, sir?
 9 A I do. It was my birthday.
 10 Q And what do you recall about that
 11 incident, sir?
 12 A I know that my friend, David Archie's
 13 grandson was killed.
 14 Q Okay. And this was a two-year-old girl;
 15 is that right?
 16 A No, it was a six-year-old boy.
 17 Q Okay. We may be referring to different
 18 incidents. What's the incident regarding
 19 Mr. Archie?
 20 A Did you say in May of 2016?
 21 Q I did, but there, obviously, could be many
 22 things that happened in May of 2016.
 23 A You just tell me which incident you're
 24 talking about, and I'll answer it.
 25 Q Well, why don't you tell me about

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 2 Mr. Archie first, and I'll get back to this one.
 3 A I just told you his grandson was killed,
 4 and you asked me about that date. I remember that
 5 incident because it was my birthday.
 6 Q Okay, was he -- what were the
 7 circumstances of the death?
 8 A He was kidnapped in Jackson as a toddler
 9 in a vehicle.
 10 Q Are we referring to May '16 or May '17,
 11 sir? I'm wondering if we might be on different
 12 years. This past year or a year and a half ago?
 13 A He was actually kidnapped on the 17th,
 14 and was found on the 18th.
 15 Q I was referring to year. I think you're
 16 referring to day. I was referring to -- are you
 17 referring to May 16, 2017?
 18 A No.
 19 Q What year are you referring to?
 20 A I think it was last year.
 21 Q Eighteen months ago?
 22 A I think that's correct. I don't remember
 23 the exact date.
 24 Q Okay.
 25 A I thought that's what you were

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2 referencing.

3 Q Okay.

4 A That's my mistake.

5 Q No, I'm referring to a different thing.

6 In that matter, there were arrests made; is that
7 correct? In the matter you were just referring to?

8 A Yes.

9 Q Yes? Okay. No, that is not what I'm
10 referring to. I'm referring to an incident reported
11 in the press in May 2016. So, again, it is the same
12 time period where a two-year-old girl was found dead
13 in a vehicle at a daycare center. Do you recall
14 that at all?

15 A Yes.

16 Q Okay. No arrest was made of the mother in
17 that matter; is that correct?

18 A The grand jury decided not to indict her.

19 Q Okay. Did your discretion or the
20 department's discretion play any role in that
21 incident?

22 MR. ROSS: Object to the form.

23 Q (Mr. Youngwood) To your knowledge?

24 MR. ROSS: Are you talking about the
25 grand jury's decision or what aspect?

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2 MR. YOUNGWOOD: Yes, the grand jury's
3 decision.

4 Q (Mr. Youngwood) To your knowledge?

5 A Did my office have anything to do with
6 grand jury decision? No.

7 Q Okay. Did you arrest the mother?

8 A They didn't indict her. No, sir, we
9 didn't.10 Q Well, sometimes you arrest people before
11 they're indicted; correct?

12 A Oh, absolutely!

13 Q Okay. and was it an exercise of your
14 discretion there not to indict, I'm sorry, not to
15 arrest the mother?16 A Based -- you know every situation is
17 unique, but based on the circumstances in that
18 particular case, and in discussions with the
19 district attorney, who would ultimately prosecute
20 the case, it was his decision that we should present
21 it to the grand jury and act on their actions.22 Q And I don't believe the name of the mother
23 is public, and if that's the case, I certainly don't
24 need to hear it, but do you know what the race of
25 the mother was?

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2 A I believe she was a white lady.

3 Q Tell me, sir, based on your knowledge how
4 it is determined where roadblocks are set in Madison
5 County?6 A Uh -- there's a number of criteria,
7 actually, and I can't sit here and cite them all.
8 But you've got to consider the general safety of the
9 public and the officers in determining a location.
10 You don't want to sit up around a curve or over a
11 hill or anywhere of that manner. You want to be
12 sure and set up where you can safely get the
13 vehicles out of the flow of traffic, off on the
14 shoulder of the road if you have to issue a citation
15 or conduct a further investigation.16 You have, you know, in the best-case scenario,
17 you have marked vehicles with blue lights, officers
18 wear safety vests. It's generally posted at the
19 justice court the location, the times, things of
20 that nature.21 Q Okay, you said, generally, you'd have
22 marked cars, blue lights. What did you mean by
23 that?24 A We do have officers that don't have marked
25 cars, and they, obviously, are allowed under the law

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2 to conduct a check-point as long as they've got the
3 identifying information -- vehicles have blue
4 Lights, what have you.5 Q But who determines where officers set up a
6 roadblock?7 A I guess that would be the discretion of
8 the supervisor at the time to approve that location.9 Q And the various factors that you outlined
10 a moment ago that might go into setting up the
11 location, are those written out somewhere?12 A Yeah, they're in the policy and procedure
13 manual. I don't know that every single thing
14 outlined is, but the general guidelines are.15 Q Let's take a look at that. This marked as
16 Exhibit 7, I'm sorry, 14. Sorry.

17 (Exhibit 14 marked for the record)

18 Q Is this the policy that you were just
19 referring to?

20 A It appears to be.

21 Q Okay. And is this policy currently in
22 effect?

23 A Yes.

24 Q Is there any aspect of the policy that is
25 not contained within these four pages marked Bates

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2 Number MC-RFP 2-1 through 2-4?

3 MR. ROSS: Object to the form. Are
4 you talking about with regard to criteria
5 for the location of roadblocks? Is that
6 what you are talking about?

7 MR. YOUNGWOOD: Well, I'll broaden.

8 Q (Mr. Youngwood) Is there any aspect of
9 your roadblock policy that is not reflected in these
10 pages?

11 A I don't think so.

12 Q And the first several pages of this
13 document refers to sobriety checkpoint guidelines.
14 Do you see that?

15 A Yes.

16 Q Okay. And then the end refers to general
17 roadblocks; do you see that?

18 A Yes.

19 Q Okay. What is the difference between the
20 sobriety checkpoint and a general roadblock?

21 A There is no difference. They're conducted
22 the same way.

23 Q Okay. If I were your supervisor, your
24 deputy, where in here would I be able to determine
25 what my guidance is and where and when I can set up

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2 a roadblock?

3 A I don't -- I don't know that there is on a
4 sobriety checkpoint that you're saying that there's
5 a guideline on when you can set one up?

6 Q Or we'll go with the where. Start with
7 the where.

8 A Where would you go in this policy to get
9 instruction for that? Was that your question?

10 Q Where in this policy does it tell me where
11 I can set up a checkpoint or a roadblock?

12 A It doesn't tell you where you can set it
13 up.

14 Q Okay. Does it tell me when I can set one
15 up?

16 A I mean, it says that officers can set up a
17 roadblock in the event of escaped subjects. I'm not
18 sure what your question is.

19 Q Well, let's go into the general roadblock
20 section.

21 A Okay.

22 Q According to this section, where in
23 Madison County may I set up roadblocks?

24 A A deputy has the authority to set up a
25 roadblock anywhere in Madison County with their

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2 supervisor's approval.

3 Q Okay. And both the -- and in doing so,
4 both the supervisor and the deputy are exercising
5 their discretion; is that fair to say?

6 A To a degree, yes.

7 Q Okay, to what degree?

8 A Well, as I stated, they don't need to set
9 them up over around a curve or over a hill. They
10 need to be where they're visible. Those are the
11 things I outlined to you.

12 Q Okay. And those are all for the safety of
13 the officers and the safety of the drivers?

14 A That's for the safety of everybody
15 involved.

16 Q Okay, fair enough. Other than guidance
17 on, I mean, you know, assuming you don't set it up
18 around a curve or something, what other direction is
19 given to officers and deputies about where it is
20 acceptable to set up a roadblock within Madison
21 County?

22 A I don't know that they're given any
23 direction, specifically.

24 Q Okay. And you would agree with me that
25 the use of roadblocks and the personnel dedicated to

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2 them consumes the resources of your department;
3 correct?

4 A No.

5 Q Well, you can't be everywhere at all
6 times; right?

7 A That's correct. That's not what you asked
8 me.

9 Q And I probably didn't ask it clear enough.
10 You have limited personnel and limited budget;
11 right?

12 A I have adequate personnel and adequate
13 budget.

14 Q But you do not have unlimited personnel or
15 budget; correct?

16 A Of course not. I wish I did, but, no, I
17 don't.

18 Q Yeah. You have to set priorities?

19 A Absolutely!

20 Q And where you set up a roadblock is a
21 reflection of some of those priorities; correct?

22 MR. ROSS: Object to the form.

23 A I'm not sure I understand what --

24 Q (Mr. Youngwood) You --

25 A If --

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2 A I can address the body camera one first
3 and then go to the next one. However you want me to
4 do it.

5 Q Well, let me make sure. If you look back
6 on the first page of the exhibit, you received this
7 e-mail from Mr. Bob Bobinger at 4:35 P.M.; correct?

8 A Yes, that's what it says.

9 Q And you responded using your iPhone at
10 4:40 P.M., five minutes later. Do I read that
11 correctly?

12 A Yes.

13 Q Okay. So did you open the attachments?

14 A Yes.

15 Q Between 4:35 and 4:40?

16 A Yes.

17 Q And you spent up to five minutes reviewing
18 them; correct?

19 A Yes.

20 Q And you have now had them in front of you
21 for nine minutes, not on an iPhone but in hard copy.
22 So do you need more time today to review them than
23 you needed in 2016 to come to the conclusion that
24 they are utterly ridiculous?

25 A I'm sorry, by my e-mail you probably

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2 didn't understand that him sending them was not the
3 first time I had seen them.

4 Q Okay.

5 A So, no, I'm not a speed reader. I didn't
6 read them in four or five minutes.

7 Q Why don't we go with the first one. Why
8 don't you tell me what about it you found to be
9 utterly ridiculous?

10 A I think the body cameras are an extreme
11 burden to law enforcement in that they can cause an
12 officer to hesitate when action needs to be taken at
13 the scene of an incident or at the time of a
14 criminal offense. I think it unduly burdens a
15 department to try to figure out a way to manage to
16 store data for that length of time. That's an
17 exuberant cost I don't know if you're familiar with.
18 I'm not necessarily greatly familiar with it,
19 myself, but according to our IT Department, it would
20 be a significant expense.

21 And at the time this was being proposed, there
22 were some pilot programs up in the northern part of
23 the United States that we were waiting to get the
24 results of, some of which turned them back in saying
25 that they didn't want to participate. And it opens

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2 up, I mean it labels a department or it saddles a
3 department with all manner of new policy and
4 procedure and opens them up to extensive lawsuit
5 based on the fact that they suggests that every
6 department should wear body cameras, basically, was
7 the gist of the bill.

8 Q Can you see any good that would come with
9 having officers wear body cameras, sir?

10 A I don't know about body cameras, but
11 there's good comes from cameras. Obviously, that's
12 the reason that my administration put them in every
13 vehicle that we patrol with.

14 Q We'll get to the vehicles in a moment, but
15 would you agree with me that if the officers were
16 wearing body cameras, it would be easier to track
17 whether or not an officer behaved in any police
18 misconduct?

19 A I can't answer that. We haven't done
20 that.

21 Q Okay, and, well, you haven't done it, but
22 you concluded the bill was ridiculous; right?

23 A I think it is ridiculous. That's my
24 opinion.

25 Q All right. And would you agree with me

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2 that body cameras might assist in preventing
3 officers from acting in an impermissible racially
4 discriminatory manner?

5 MR. ROSS: Object to the form.

6 Absolutely no context to your question.

7 A I have professional officers. They're
8 screened. I don't believe they act inappropriately
9 in any rate. I don't agree with your assessment.

10 Q (Mr. Youngwood) Okay. Why don't we go,
11 skip the second of the bills and go to the third,
12 the one that's described in the PDF or in the first
13 page of the exhibits -- "oral advisement, written
14 consent part of search of a vehicle or person."
15 See if you can find that in the attachments. Take a
16 review and --

17 MR. ROSS: What page is that on?

18 MR. YOUNGWOOD: Well, he's the one
19 who reviewed them a year ago or almost
20 two.

21 Q (Mr. Youngwood) I'm going to let you tell
22 me what you need to review to tell me why you found
23 the third of these three bills utterly ridiculous.

24 A Can you tell me a page, or do you just
25 want me to just sit here and figure out what you're

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 2 talking about?
 3 Q Or we can look together. I don't know
 4 what you wish to review, sir. This is what was sent
 5 to you a year ago, two years ago. I don't want to
 6 limit your review.
 7 MR. ROSS: Well, you specified the
 8 third bill. Do you know where the third
 9 bill starts so that we can move this
 10 along?
 11 MR. YOUNGWOOD: It's not my e-mail.
 12 MR. ROSS: It's your question. The
 13 third bill. Which bill are you talking
 14 about?
 15 MR. YOUNGWOOD: Oral advisement and
 16 written consent prior to search of the
 17 vehicle or a person during this contact.
 18 The witness concluded it was utterly
 19 ridiculous, and I'd like to know the
 20 basis.
 21 MR. ROSS: Let the record reflect
 22 that counsel has refused to point the
 23 pages out that he's referring to in
 24 Exhibit 21. And I'll refer you to --
 25 Q (Mr. Youngwood) I believe it starts at

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 2 individual can't look you in the eye and tell you
 3 that you can search his vehicle.
 4 Q So you referenced the cameras in your
 5 patrol cars. It's left to the discretion of the
 6 officer whether or not to turn on that camera;
 7 correct?
 8 A Not necessarily, no.
 9 Q Why do you say "not necessarily"?
 10 A If the officer activates the blue lights,
 11 then the camera comes on. I mean on the car the
 12 camera comes on.
 13 Q Okay, and at whose discretion is it as to
 14 whether or not the officer activates the blue
 15 lights?
 16 A I guess the officer turns the blue lights
 17 on.
 18 Q Acting within his or her discretion;
 19 correct?
 20 A Well, yes.
 21 Q And if the officer wishes to turn on their
 22 camera and the microphone, absent activation of the
 23 blue lights, that would also be left to his or her
 24 discretion; correct?
 25 A Yes.

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 2 1386, sir.
 3 MR. ROSS: Thank you.
 4 Q (Mr. Youngwood) Third-to-last page.
 5 A (WITNESS EXAMINES DOCUMENT) Yes, I recall
 6 the bill.
 7 Q Why did you conclude that it was utterly
 8 ridiculous?
 9 A Because it requires an officer to obtain a
 10 written authorization, a written consent. I think
 11 it's ridiculous to require an officer to obtain
 12 written consent -- uh -- an individual, on the First
 13 Amendment freedom of speech, and an individual can
 14 freely tell you you can search. I don't think that
 15 requires written consent.
 16 Q Well, how will we know if an individual
 17 has provided consent, other than if it's in writing?
 18 A There are videos in our patrol cars now.
 19 That was one of the reasons we did that, sir.
 20 Q Okay. And let's discuss the video. And
 21 so, I'm sorry, what's the reason you believe this
 22 bill to be utterly ridiculous? I want to make sure
 23 I know all of your reasons.
 24 A Let me make sure. Utterly ridiculous.
 25 You're right. They're utterly ridiculous in that an

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 2 Q It's not left, for example, to the
 3 discretion of the driver of the vehicle who has been
 4 stopped?
 5 A No.
 6 Q And so, although the officer has the
 7 discretion to record the conversation, the driver of
 8 the vehicle has no say in that matter; correct?
 9 A They can record it. There's a law says
 10 they can record stops.
 11 Q I'm sorry, with what would they be
 12 recording the stops?
 13 A I guess if they purchased a camera like we
 14 did.
 15 Q Okay. Any other way you think they might
 16 record their stops?
 17 A Through an audio recording device or
 18 whatever.
 19 Q So if they want to, if I drive around
 20 Madison County and I want to make sure I get a
 21 record of any stops by the police, I should purchase
 22 a car camera or some other mechanism of recording my
 23 interactions with the sheriff's department?
 24 A I didn't say that.
 25 Q Okay. Well, you didn't give me any other

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2 ways that I might record my stops.
3 A Okay, do I need to?
4 Q Only if you know of other ways, sir.
5 A You can take a ledger and write it. You
6 can do whatever you want to do, within the confines
7 of the law. We're not trying to restrict anybody.
8 Q Okay. But you leave it to within the
9 discretion of your officers as to whether or not to
10 record any interaction with the citizens in
11 Madison County; correct?
12 A The cameras in our squad cars are set up
13 and installed such that they come on whenever the
14 blue lights are activated. Yes, the officer has
15 discretion to stop somebody for running a stop sign
16 or whatever. But when he cuts those lights on, the
17 camera is activated.
18 Q But he determines when to turn on the
19 lights; correct?
20 A He determines when to initiate a stop;
21 yes.
22 Q And if the lights aren't on, he determines
23 whether or not he thinks it useful to have the
24 camera on; correct?
25 A Yes.

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2 Q Okay. If -- I want to talk about other
3 uses of officer discretion. Back to the roadblock
4 scenario. If the officer stops somebody and asks to
5 see their license and the license looks valid on its
6 face, does the officer run the license back through
7 the central office?
8 A As a general rule, no, but they could if
9 they desired to.
10 Q And so it's within their discretion
11 whether or not to run those licenses, apparently,
12 valid licenses, through the state system; correct?
13 A Yes.
14 Q And what is that discretion supposed to be
15 based on?
16 A You would have to ask the individual
17 officer. I don't know what the cause would be at
18 the time. I mean, I haven't been on every stop made
19 in Madison County.
20 Q Do they receive any training as to when
21 they should exercise the discretion to run an
22 apparently valid license?
23 A I think I've testified there is no
24 training about discretion.
25 Q How about passengers who are in vehicles

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2 stopped at roadblocks? Is an officer supposed to
3 check the ID of the passenger?
4 A Supposed to?
5 MR. ROSS: Object to the form.
6 Q (Mr. Youngwood) Is it policy or practice
7 of your department for officers to check the
8 identification of a passenger stopped at a roadblock
9 or a car stopped at a roadblock?
10 A There is no policy that says they are to
11 do that, no.
12 Q So is that within their discretion?
13 A Certainly they can ask for an
14 identification, but if they're told no, that's not
15 any type of offense that they could take action on.
16 Q Do they tell the passengers "I'd like to
17 see your identification, but you don't need to show
18 it to me"?
19 A I haven't been on --
20 MR. ROSS: I object to the form.
21 This is in the abstract, but you can
22 answer to the best of your ability.
23 A I haven't been on individual stops. I
24 couldn't tell you what the wording is.
25 Q (Mr. Youngwood) Well, do you instruct

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2 them to tell passengers that showing their license
3 is voluntary, or other forms of identification?
4 A I do not.
5 Q And so who is it up to whether or not they
6 ask the passenger for identification?
7 A The officer on the scene.
8 Q Again, no training on how to exercise
9 discretion in that situation; correct?
10 A I'll say it again. I've already told you
11 there is no training in discretion.
12 Q How about the search of vehicles stopped
13 at roadblocks? Is that left to the discretion of
14 the officer as to whether or not a search is
15 warranted?
16 MS. ROSS: Object to the form. No
17 context of what the stop consists of.
18 A The officer would need to have probable
19 cause to conduct the search.
20 Q (Mr. Youngwood) Is there training in
21 probable cause?
22 A Yes.
23 Q What is that training?
24 A There is all manner of training. Depends
25 on which courses they have been through. Our

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2 district attorney's holds a search and seizure class
3 that officers go to.

4 Again, we send officers to all manner of
5 training throughout the year. So, yes, they are --
6 in the Police Academy, they are taught about search
7 and seizure. So, yes, there is training on that.

8 Q Is there any review by you or your senior
9 supervisors as to whether or not individual officers
10 properly conduct the determination of whether or not
11 to search a vehicle at any given situation?

12 A Not every situation, but some, yes.

13 Q How would you determine which ones to
14 monitor?

15 A I don't know about how to determine which
16 one to monitor. I understood the question to be
17 "has there been any monitoring?" And, yes, there
18 has been, whether it be the narcotics supervisors
19 watching or monitoring their guys do it, or me or
20 our chief watching our guys do it. I have
21 personally watched guys do it, so, yes, there has
22 been some monitoring.

23 Q So when you're on scene, there is
24 monitoring?

25 A Yes.

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2 Q Okay. And how do you determine when you
3 will be on the scene for the roadblock?

4 A If I have time, I'll go.

5 Q Okay. Do you seek to randomly check
6 various officers?

7 A No, I do not.

8 Q Do you seek to randomly check, you know,
9 dependent on geographically where roadblocks are
10 located?

11 A No, I do not. I have supervisors that do
12 that.

13 Q Do you know how the supervisors determine
14 when they are monitoring the search and seizure
15 activity of your deputies?

16 A No.

17 Q If an officer sees a driver going down the
18 street without a seatbelt, is the officer required
19 to stop that driver?

20 A "Required"?

21 Q Yes.

22 A No.

23 Q So it's left to the discretion of the
24 officer whether or not to stop the driver?

25 A Any stop for traffic violation is left to

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2 the discretion of the officer.

3 Q And there's no training on how to exercise
4 that discretion; correct?

5 A There is no training on discretion.

6 Q And no checking as to whether or not that
7 discretion is being exercised in a racially
8 inappropriate manner; correct?

9 A Wrong. There are supervisors on some of
10 these things that, you know, I don't know how else
11 to tell you. We don't ride around with our thumb on
12 individuals, but they have supervisors. They
13 prepare reports. The public has an open-door policy
14 at any point they want to come to my office and talk
15 to me. I have stressed that from day one, they can
16 come and talk to me. I don't know how else to be
17 more available.

18 Q Do you think it possible, sir, that
19 members of certain racial groups in the county are
20 intimidated by your office?

21 A I think the criminal element is, yeah.

22 Q And do you think the criminal element
23 falls disproportionately within one race versus
24 another in your county?

25 A I don't prepare statistics with races.

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2 Q You have been presented with statistics on
3 arrests in your county through this lawsuit;
4 correct?

5 A Yes.

6 Q And you're aware of them, they're in the
7 complaint. I'd be glad to show you some of the
8 pages, if useful. If we look at exhibit -- you are
9 probably better organized than I am, sir, but I'll
10 find it. Seventeen, I believe.

11 MR. ROSS: Exhibit 17 is the notice
12 of a roadblock.

13 A I have 17 as a --

14 Q (Mr. Youngwood) Yeah, it's the wrong
15 exhibit.

16 A Here, you're welcome to look at this stack
17 here.

18 Q Yeah, I'll do that. Thank you, sir.
19 Yeah, it's 13. So this is the complaint we looked
20 at it -- uh -- statistics are given in various
21 places, but let's look, for example, at -- uh -- you
22 can look, for example, at page 17. But you see 58
23 discusses percentages of roadblock arrests broken
24 down by race. According to the allegation in the
25 complaint, 81 percent of roadblocks or less were

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black people. 19 percent of white. If you'd look at page 26, paragraph 84, it talks about pedestrian stops. I'm sorry, arrests at pedestrian stops, 82 percent black. Remaining 18 percent white. You have seen these statistics through this case; correct?

A I've seen what was prepared by the plaintiff's side. I don't know where they got these statistics, but if you look at that, 81 and 19 percent, I guess you would suggest that there is only two races in Madison County, which I guess that would be racially biased toward Hispanics and Indians and what have you, so.

Q Sir, do you have any basis on which to doubt the statistics in this complaint?

A I have --

MS. ROSS: Object to the form. I mean object to the question.

A I don't know where these were compiled, but they're certainly not anything that I have compiled, and, no, I do not agree with them.

Q (Mr. Youngwood) Okay. Well, do you have a basis for not agreeing with them?

MR. ROSS: Object to the form. This

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is the complaint. He says he don't know where they came from, and I don't know what more he can say.

MR. YOUNGWOOD: Well, no, he said he didn't agree with them. Now, I'm asking him his basis.

A The basis is I don't know if they're accurate. I didn't prepare them, so I'm not going to just --

Q (Mr. Youngwood) You don't know?

A -- unilaterally agree to something like that.

Q Okay, you don't know if they're accurate?

A Have no idea.

Q Okay. Do you believe that blacks in Madison County commit crimes at a higher rate than whites?

A I haven't broken it down. I couldn't tell you. We arrest criminals.

Q Does, did in any way receiving this complaint make you question whether or not there is some inherent racial bias in the policing policies and practices?

A No, it doesn't.

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Q Do you continue to monitor legislation that might affect police activity?

A I haven't had a lot of time to monitor anything since this lawsuit. I've been monitoring this.

Q Okay. Are you aware of any recent legislature initiatives regarding body cameras for police officers?

A I haven't had an opportunity to --

MR. ROSS: Object to the form. I don't know what "recent" means.

Q (Mr. Youngwood) Well, since the e-mail we looked at, that was Exhibit 21, in 2016.

A I haven't had a lot of time. I have been consumed with this lawsuit.

Q Let's take a look at Exhibit 4, please, sir? I recognize you did not sign these. I think you testified earlier you had reviewed them before they were finalized. These are the Requests to Admit. I'm going to ask you about several of the answers. If you don't know the answer, then you can tell me that.

Request Number 1 asks about whether or not defendants maintain or possess any written policies

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or procedures concerning the MCSO's jurisdiction. Do you see that?

A I do.

Q Does the MCSO retain written policies or procedures concerning its jurisdiction?

A No.

Q Number 2 concerns the maintenance of written policies or procedures concerning traffic stops. Do you see that?

A Yes.

Q And the answer, in part, given is "Defendants admit that MCSO has no written criteria concerning when MCSO personnel should make a vehicle stop, other than complying with existing state and federal laws." Do you see that?

A Yes.

Q Is that a correct statement?

A Yes.

Q Number 3 concerns the maintenance of written policies or procedures concerning pedestrian stops. Is it correct that the MCSO has no written policies or procedures concerning pedestrian stops?

MR. ROSS: Object to the form.

A Correct.

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you when he was hired, or what I would do differently at that point. At that point, I made a decision to hire him, and I stand by that decision.

(Exhibit 24 marked for the record)

Q Giving you Exhibit 24, sir. Have you seen this document before, sir?

A I don't know that I have seen this particular document. It's possible that I saw it in the deposition I referenced in response to the previous document, but I don't recall reading this document, no.

Q At the time that you hired him, had Mr. Moore told you -- and I'm reading from the second sentence of the document -- that "there had been approximately 30 internal affairs complaints filed, including pending civil litigation matters" -- I'm paraphrasing -- relating to his conduct as an officer in the City of Jackson Police Department. Had he given you information regarding these 30 internal affairs complaints?

A I don't know about the number 30. He did guess us information that he had had some litigation and complaints during this time with his previous employers, and, again, that's the reason we could

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call and verify with those employers what those -- uh -- were, and if they would recommend him for employment, which they ultimately did, so he must not have been much of a menace.

Q Okay. Recognizing that the City of Jackson has determined him to be a menace; correct?

A That's not a governing body I don't guess.

Q The City of Jackson is not a governing --

A That's not a court record.

Q Right.

A Anybody can make an allegation. That doesn't make it true.

Q And the Court of Appeals had concluded that his acts were more than negligent; correct?

A In this document here?

MR. ROSS: Object to the form.

A No, I don't see a Court of Appeals ruling with these 30 that you're referencing.

Q (Mr. Youngwood) Regarding these 30, what are you telling me about them?

A I don't recall any specific conversation. That's been a number of years ago. He did -- I can tell you that he did indicate that he had had some disciplinary actions, and we called and verified

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those actions with the chief deputy at the time for the Jackson Police Department, and he gave him a good recommendation.

Q There are also allegations of excessive force lodged against Officer Thompson at the time you hired him; is that correct?

A I don't know about plural. I knew of an incident, and he openly told us about that when he came for his interview.

Q And what was the basis -- did you conclude that the incident was without basis, without merit?

A I did. Yes.

Q And what did you base that decision on?

A Based on speaking with the Hinds County Sheriff's Department's Chief Deputy and the accounts from Deputy Thompson of the incident. I felt like he did what was necessary, in effect, for the suspect in the case, as well as the preservation of evidence.

Q And you were aware of allegations that the victim in that incident had been attacked, beaten, choked, and tasered?

MR. ROSS: Object to form. Implying that it was by Thompson.

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A I wasn't under the impression that Deputy Thompson had done any of that.

Q (Mr. Youngwood) What did you do to ascertain that Deputy Thompson had not attacked, beaten, choked, and tasered the victim in that case?

A I spoke with Chief Deputy William Pecu.

Q Did you review the court file?

A No, I did not. Not that I recall.

Q Would you hire an officer who had attacked, beaten, choked, or tasered a citizen?

MR. ROSS: Object to the form. No context.

A If it was unprovoked, no, I wouldn't.

Q (Mr. Youngwood) So a provoked beating would be acceptable to you, sir?

MR. ROSS: Object to the form.

Object to the form. You can answer to the best of your ability.

A You know, you -- I don't know if beating is a proper term or not, but, certainly, you have a right to defend yourself, even if you're a police officer, which some people don't believe, but I wouldn't say "beat," but there is a way to defend yourself that causes bodily injuries to others, but

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 2 that's dependent on the situation.
 3 Q (Mr. Youngwood) So you would agree with me
 4 that beating a citizen is not acceptable?
 5 A I would agree with the beating, yes.
 6 Q How about choking? Is that acceptable?
 7 MR. ROSS: Object to the form. No
 8 context, whatsoever.
 9 A I don't know what you are referring to.
 10 Q (Mr. Youngwood) Well, I'm referring to
 11 the allegations against Defendant Thompson. I'm
 12 sorry, Officer Thompson.
 13 A That was just an allegation. I don't know
 14 that there was any choking.
 15 Q So my question is, is it ever acceptable
 16 for one of your officers to choke a citizen?
 17 A No.
 18 VIDEOGRAPHER: I need to change DVDs.
 19 MR. YOUNGWOOD: Why don't we take a
 20 break?
 21 VIDEOGRAPHER: Off the record. 2:47.
 22 (BRIEF RECESS)
 23 VIDEOGRAPHER: DVD 4. Back on
 24 record. 2:58.
 25 Q (Mr. Youngwood) How do you review

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 2 performance of your officers and deputies?
 3 A It's daily observation. There's no
 4 written review.
 5 Q Is there an annual meeting with officers
 6 or deputies to tell them how they're doing?
 7 A No. That's done daily or monthly.
 8 Q Well, as in what manner is it done?
 9 A Just verbally just -- if there's an issue
 10 that either the chief or myself will address it with
 11 them and their supervisor. There's no annual
 12 review, per se.
 13 Q Do you review statistics associated with
 14 the various deputies?
 15 A I don't, no.
 16 Q Do you know if anyone in the department
 17 does?
 18 A There are monthly reports submitted to the
 19 chief.
 20 Q And what is the purpose of the creation of
 21 those statistics?
 22 A I guess to monitor the activities of the
 23 individual officers.
 24 Q What are you looking for in reviewing, or
 25 what is the department looking for in reviewing the

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 2 statistics?
 3 A Uh -- I guess it's just a -- it's review
 4 to basically make sure people are patrolling, which
 5 is indicated by mileage on their vehicle or whether
 6 or not they're responding to calls and writing
 7 reports. And there's a block on there that
 8 indicates how many citations they've written.
 9 Again, I don't review it, so I can't sit here and
 10 cite everything on it.
 11 Q One of the things that's kept are related
 12 to arrests; correct?
 13 A Uh -- I think there's a block on there,
 14 maybe two, maybe differentiating between misdemeanor
 15 and felony arrests. Again, I can't sit here and
 16 tell you. I don't look at it.
 17 Q Well, you do believe data is collected
 18 regarding the arrests associated with each deputy;
 19 correct?
 20 A Yes.
 21 Q Why track that?
 22 A To make sure that they're doing the job
 23 they're supposed to be doing.
 24 Q How can you tell that, based on the number
 25 of arrests that they make?

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 2 A I don't necessarily know that by the
 3 number of arrests they make. They may work eight
 4 hours and not arrest anybody. I mean, I'm not
 5 saying it's mandatory that you arrest somebody every
 6 day.
 7 Q Well, do you do any study to see if their
 8 arrests are valid?
 9 A Uh -- they go through the court system,
 10 and, you know, it's either dismissed by the court or
 11 prosecuted by the court. I don't keep an individual
 12 track of it.
 13 Q Well, no, you track it anyway, whether or
 14 not one deputy versus another makes more arrests
 15 that end up being dismissed?
 16 A No, I don't track it. I'm sure you
 17 probably could through -- the court could. I can't
 18 do that.
 19 Q Do you do any monitoring to ensure that
 20 arrests aren't racially motivated?
 21 A No.
 22 Q Or that the issuance of citations aren't
 23 racially motivated?
 24 A As long as there's probable cause for a
 25 citation or there's a criminal affidavit, no, I

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2 don't. No, I don't.

3 Q And you have no way of tracking, am I
4 correct, whether or not certain deputies are making
5 racially motivated decisions regarding which
6 citizens they allow to get off with a verbal
7 warning, as opposed to an arrest or a citation;
8 correct?

9 MR. ROSS: Object to the form. It
10 assumes things that haven't been proven.

11 A Other than my supervisors' presence or
12 another officer's presence and lack of complaints,
13 no, I don't.

14 Q (Mr. Youngwood) How do you monitor your
15 supervisors to see whether or not they perform in a
16 racially discriminatory manner?

17 A I don't monitor anybody to see if they're
18 performing in a racially discriminatory manner. We
19 arrest criminals. We don't discern by race.

20 Q Well, how do you know you don't discern by
21 race?

22 A Because I'm sitting here telling you I
23 don't know.

24 Q How do you know your officers don't?

25 A Because of what I have just told you. I

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2 mean, we track them through their supervisors
3 observing their activities, through our
4 observations, through radio traffic. I haven't seen
5 anything to indicate anything along those lines.

6 Q And the complaint filed in this case and
7 the statistics contained in it don't cause you to
8 question that assumption, sir?

9 A I think the complaint is baseless, and
10 those statistics were made you or your firm.

11 Q Well, you --

12 A -- put together. I haven't put together
13 any statistics. Our legal team hasn't put together
14 any of those statistics. I don't know that they're
15 true.

16 Q Okay. You have access to the same data we
17 have access to; correct?

18 A I can't answer that. I don't know what
19 you have access to.

20 Q Well, you have access to your own incident
21 reports; correct?

22 A Absolutely, I do.

23 Q And, in fact, you have access to more
24 incident reports than I do; right?

25 A I don't know that. I don't know what you

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2 have access to.

3 Q You know what's been produced in this
4 case, don't you, sir?

5 A Sure, I do.

6 Q And you, in fact, submitted an affidavit
7 to the court concerning the need for privacy and
8 confidentiality regarding certain data; correct?

9 A Absolutely!

10 Q Okay. And you are aware the court ruled
11 against you on the CAD data yesterday; correct?

12 A I don't know what the court ruled, to be
13 honest with you. I know we have got to produce CAD
14 reports.

15 Q Right. But you didn't want to produce to
16 us; right, sir?

17 A No, I didn't.

18 Q Why not?

19 A Because it protects the integrity of the
20 victims, witnesses, other individuals that may not
21 be a party or subject to this action.

22 Q Although you did produce unredacted CAD
23 reports in response to a Public Records Request;
24 correct?

25 A Shame on me for trying to cooperate.

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2 Q Well, I'm not sure you should be shamed at
3 all, sir, for complying with the law.

4 MR. ROSS: I object to your
5 gratuitous opinions. You can ask him
6 questions.

7 Q (Mr. Youngwood) Okay, you did produce
8 those; reports correct?

9 A Which reports?

10 Q The unredacted CAD reports as part of the
11 Public Records Request; correct?

12 A Yes.

13 Q Okay. You have access to incident reports
14 that you have not produced to us; correct?

15 A Not that I'm aware of, no.

16 Q You believe you produced every incident
17 report in the department's possession?

18 A I don't know what's been produced to you,
19 every single incident report.

20 Q Do you have any objections producing all
21 of the incident reports to us in the department's
22 possession?

23 MR. ROSS: And I object. It calls
24 for a legal conclusion. We made it clear
25 that we produced relevant incident reports

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2 and that we have redacted privileged and
3 victim and witness information.
4 MR. YOUNGWOOD: I'm unaware if you
5 redacted any privileged information from
6 the incident reports.
7 MR. ROSS: We will review them all
8 for privilege and for -- and it probably
9 wasn't any privilege in the incident
10 reports, you're right. But we did redact
11 victim and witness information per
12 stipulation entered into with your firm,
13 and we did review them for relevancy, and
14 we did not produce incident reports that
15 were not relevant.
16 Q (Mr. Youngwood) Do you understand that
17 you have incident reports that we do not have access
18 to; correct?
19 A No, I don't understand that. But I will
20 consult with my counsel about it after this.
21 Q Did you play any role, and you don't have
22 to tell me what role you played, but let's ask one
23 question at a time, in the determination of which
24 incident reports were relevant to this case?
25 A Did I play a role in determining which

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2 box on that report; right?
3 A Right.
4 Q And you could use those reports to
5 generate statistics regarding the race of people
6 arrested under your, by your department and under
7 your supervision; correct?
8 A I think you could, yeah.
9 Q So --
10 A You can do it with a docket book, too.
11 Q What does that mean, "with a docket book"?
12 A There's a docket book at every jail
13 facility that when somebody is booked in, it goes
14 into a public document.
15 Q Okay. And have you ever done such an
16 analysis?
17 A No, I have not.
18 Q Given the context of this lawsuit, do you
19 have any curiosity as to what that analysis would
20 show?
21 A None, whatsoever.
22 (Exhibit 25 marked for the record)
23 Q I've marked this as 25, sir. Do you
24 recall engaging in an interview with The Madison
25 County Journal in January 2015?

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2 ones?
3 Q Yes, sir.
4 A I didn't play a determination in the court
5 proceeding, no.
6 Q That wasn't my question. Your attorneys
7 reviewed incident reports and produced to us those
8 deemed to be relevant. You just heard your counsel
9 say that.
10 A Right.
11 Q Did you have any part in making the
12 determination as to which reports would be deemed
13 relevant?
14 A I don't recall that, no.
15 Q Do you know what methodology was used to
16 determine which reports were deemed to be relevant?
17 A I do not.
18 Q Okay. So you have access to the incident
19 reports clearly; right?
20 A I think I can access, yes.
21 Q Okay, and you certainly have access to any
22 incident report that's been produced to us from your
23 department; correct?
24 A Yes.
25 Q Okay. And race is an indicator, it's a

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2 A I don't dispute that I did. I don't
3 necessarily recall, but I don't dispute it, no.
4 Q Okay. Have you seen this interview
5 before?
6 A I don't know that I have read it, no.
7 Q Would you go to the second page, sir?
8 There's a question about body cameras. It says MS,
9 which is the reporter, I believe. And then RT,
10 which is you.
11 The question is: "Does your department have
12 body cameras or plans to introduce them in the
13 future?"
14 "We do not. We have recently as of late this
15 year sought a camera in every vehicle. We have
16 cameras as well as back-seat cameras for detention
17 purposes. We have talked about the body cams.
18 That's one of those deals where you're going to
19 scrutinize every little thing a guy does or a girl
20 does, based on a few bad apples. If you've got to
21 stand there with your thumb on them constantly, I'd
22 rather not need them. The people we hire go through
23 a rigorous process. We don't hire anybody off the
24 street. I put my faith and belief in them, or I
25 wouldn't hire them." Do you see that?

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A Yes.

Q Do you believe those are the words you gave in response to that question?

A Again, I don't recall this. This is the first time I have read it, but I don't disagree with it.

Q Okay. I want to just ask you about the middle of it. "Are you going to scrutinize every little thing a guy does or a girl does based on a few bad apples?" What did you mean by that.

A I mean, I think there's bad apples in the every profession that there are, whether, you know, they're in my department or other departments or what have you.

I mean, if you're going to sit there and have to worry about what every member of your department is doing, you know, you need to hire quality people, and that's what we do. That's the reason we go through the process we go through. I don't want one of those bad apples in my department.

Q Are you aware of any bad apples in your department?

A No, I'm not.

Q Sir, just going back briefly to the data

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that's in our complaint and the incident reports and other methods you would have of tracking race, would it be of concern to you if you were shown data that demonstrated that your department was disproportionately targeting black citizens for arrest?

MR. ROSS: Object to the form.

Abstract. Doesn't say what type of data or if they were all together.

A I don't target anybody but criminals, sir.

Q (Mr. Youngwood) Okay.

A And I don't decide who breaks the law. We arrest criminals based on criminal activity, not on race.

Q Okay. And so you don't believe it possible that there's data demonstrating that your department targets blacks disproportionately over whites?

A I don't believe there's any targeting at all. I don't believe there's anything that you can show me that says that my department is targeting anybody. We don't target. I don't know what -- I don't know what racial statistics are, because I have no basis to even go look for that.

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Q Would you agree, sir, that your department arrests more blacks than whites?

A I've already told you I haven't done any statistics. I couldn't tell you.

Q You have no idea if your department arrests more black people than white people?

MR. ROSS: Objection. Asked and answered.

A We arrest a lot of criminals. I couldn't tell you what color they are.

Q (Mr. Youngwood) But the data maintained by your department tells me exactly what color they are; correct?

A I haven't done any statistical analysis.

Q But the raw data is there; right?

MR. ROSS: Objection. Asked and answered. You can look at what has been produced as well he can.

A I think the data speaks for itself, whatever that is.

Q (Mr. Youngwood) We agree on that, sir.

A Good.

Q Tell me about the process that's undertaken by your department in the case of an

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allegation of improper policing behavior made by a citizen in the county.

A Again, I'll tell you every situation is unique. There is no two that come out the same. It would be based on the factors of that individual complaint, the actions of the suspect, the actions of the officers. I can't sit here and give you that without knowing what the situation is.

Q Was there a change in the manner in which you investigated complaints made since you have become sheriff?

A Yes.

Q What was that change, sir?

A All complaints are investigated by my chief deputy. He handles every one so that I can ensure that they're all looked at from the same point of view, same eyes.

Q Okay. And do you know, since you've become sheriff, how many complaints have been investigated by your chief deputy?

A I do not, but it's not many. We haven't received many.

Q Do you recall any that have resulted in the discipline of an officer? I know you testified

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2 A Right.

3 Q What does that mean? I don't know what
4 that means.

5 A A party to. Involved with.

6 Q Whose burglary did they assist?

7 A I don't remember the young man's name.

8 Q Okay. And how do you know -- what causes
9 you to believe that they were an accessory to
10 burglary?11 A The state statute on failure to report an
12 offense, and they didn't do that. And they, I
13 believe, assisted with a mat or a towel or some type
14 to keep the man that was breaking into the house
15 from cutting his arm or -- to me that's helping.16 Q You believe they helped the perpetrator,
17 I'm sorry, do what with his arm? I'm not
18 understanding what you're saying how they helped the
19 perpetrator.20 A Handed him something to lay across the
21 window to keep from cutting his arm.

22 Q Okay.

23 A Is that your question?

24 Q That is my question, yes.

25 A Okay.

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2 Q Give me one minute. (PAUSE) And who told
3 you that they gave the suspect something with
4 respect to his arm?5 A I don't recall who told me or where I read
6 it, and it's possible I may have two incidents
7 confused. I mean, he may -- maybe they watched for
8 him while he carried off glass or what-have-you. I
9 don't have the offense report here in front of me.10 Q Okay. And then you, also, believe that
11 they were an accessory to burglary because they did
12 not report the burglary?13 A Right. In the state of Mississippi, it's
14 a law that if you witness a crime, you're supposed
15 to report it.16 Q So if one of your officers witnesses
17 somebody driving without a seatbelt and he fails to
18 report it, he or she is committing a crime?

19 A No.

20 Q Okay. But the Khadafys, I'm sorry, the
21 Mannings, if they were to witness a crime and not
22 report it, they would be violating the law?

23 A Yeah.

24 Q Okay. You're aware that there was an
25 altercation inside the apartment in which

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2 Mr. Manning and his wife were located that night?

3 A What do you mean by "altercation"?

4 Q Officers went into their apartment?

5 A Correct.

6 Q Do you know why they went into the
7 apartment?8 A They were pursuing them for being involved
9 in what had transpired downstairs, yes.10 Q Okay, and, again, the involvement was
11 giving something to the person whose arm was used to
12 break into a house or an apartment and not reporting
13 it?14 A Anything they did to assist, whether it be
15 a lookout or hand him something or give him
16 guidance, they would be involved in that, yes.17 Q Which of those did Mr. Manning and his
18 wife do?19 A I don't have the report here in front of
20 me.21 MR. ROSS: I was going to say I
22 object. He doesn't have the report and
23 doesn't have first-hand knowledge.24 Q (Mr. Youngwood) Well, I'm asking what you
25 were told. Did somebody tell you that they assisted

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2 or gave them guidance or helped him plan an escape
3 route or any of the things you just listed?4 MR. ROSS: Counsel, why don't you
5 give him the incident report if you're
6 want him to --7 MR. YOUNGWOOD: Because I'm asking
8 his knowledge. He is a named defendant in
9 this case.10 MS. ROSS: To the extent you know,
11 but if you don't know, you don't know.

12 A I don't know without reviewing the report.

13 Q (Mr. Youngwood) One moment, please. Did
14 anyone tell you, sir, independent of any written
15 report, and I will show you the reports in a moment,
16 did anyone tell you orally what happened that
17 evening?

18 A I don't recall that, no.

19 Q So you have never had any discussions with
20 anyone regarding, in your department regarding what
21 happened with Mr. Manning and his wife that evening?22 A I can't say that either. It's very
23 possible I did. I just told you I don't recall it.24 Q Okay. You're aware that there are
25 allegations regarding that evening in the complaint

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 2 in this case; correct?
 3 A Yes.
 4 Q And you have read the complaint in this
 5 case; correct?
 6 A Yes.
 7 Q And you have read that section of the
 8 complaint?
 9 A Yes.
 10 Q Okay. And prior to the complaint being
 11 filed, you're aware that there was a, you learned
 12 that there was a video of a portion of the events of
 13 that evening?
 14 A I don't remember at what point, but I
 15 became aware there was a video at some point, yes.
 16 Q Okay. And that video and that -- uh --
 17 the events of that night led to an inquiry led by
 18 Chief Williams regarding that evening; correct?
 19 A I don't know that it was necessarily that
 20 video or other, or circumstances, you could ask him
 21 that, but I'm aware of a video.
 22 Q Okay, have you seen the video?
 23 A Yes, I have.
 24 Q Okay. All the way through?
 25 A I have seen the whole one. Not a clip.

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 2 Q Okay. But you have watched the video?
 3 A I have.
 4 Q Okay. And is it acceptable for your
 5 officers to tell individuals that if they don't
 6 cooperate, they'll have to sleep on concrete?
 7 A Well, I guess if there is no room in the
 8 jail, they would sleep on concrete. Ultimately,
 9 everything down there is on concrete, so that would
 10 be a true statement.
 11 Q So that is acceptable to you?
 12 A Yes.
 13 Q Is it acceptable for officers to use the
 14 word "horseshit" when interviewing citizens?
 15 MR. ROSS: Objection. No context.
 16 Q (Mr. Youngwood) Is that an acceptable
 17 term for your officers to use?
 18 A I would prefer they didn't cuss at all,
 19 but, you know, each situation is unique.
 20 Q So that's not a violation of any of the
 21 ethical or other policy provisions you and I
 22 reviewed this morning?
 23 A Saying horseshit?
 24 Q Yes, sir.
 25 A No, it's not a violation.

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 2 Narrated.
 3 Q Okay. So you have seen the whole video?
 4 A Yes.
 5 Q And you -- did you take any disciplinary
 6 action regarding the officers involved in that
 7 incident, based on that video?
 8 A No.
 9 Q Did you see any inappropriate behavior in
 10 that video?
 11 A No.
 12 Q It's acceptable for your officers to call
 13 people a cripple?
 14 MR. ROSS: Object to the form.
 15 A I don't know that he called anybody a
 16 cripple.
 17 Q (Mr. Youngwood) Okay. You've watched the
 18 video though; correct?
 19 A I have. Yeah.
 20 Q Okay. And is it acceptable for your
 21 officers to tell citizens that they have a choice of
 22 being a witness or a suspect in connection with an
 23 event? Is that an acceptable thing for them to say?
 24 A They can explain the law to them. I don't
 25 know that anybody said that.

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 2 Q Okay. How about calling people cripple.
 3 Is that a violation?
 4 MR. ROSS: Objection. No context.
 5 Each situation is different.
 6 A I don't know that anybody called anybody
 7 crippled.
 8 Q (Mr. Youngwood) Okay. And is it
 9 acceptable to you to tell a witness to an alleged
 10 crime that they can either put it down on paper or
 11 they're just as guilty as the perpetrator and the
 12 person has to go to jail?
 13 A I think it's perfectly acceptable to
 14 explain to someone their options.
 15 Q And a legitimate option is either you give
 16 a witness statement or you go to jail?
 17 MR. ROSS: Object to the form. No
 18 context.
 19 A I don't know what you mean by a legitimate
 20 option. Options are options. I don't know that
 21 there's an illegitimate option.
 22 Q (Mr. Youngwood) In your view, under the
 23 policies and practices of your department, it's
 24 acceptable to give the citizen a choice of being
 25 arrested and put in jail if they will not give a

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 2 witness statement?
 3 A I think each situation is unique. Like I
 4 have told you before, in this instance, I don't
 5 think he did anything wrong.
 6 Q Who didn't do anything wrong?
 7 A I'm assuming you're referring to Slade
 8 Moore. He was the officer. That's who we're
 9 talking about; right?
 10 Q We're talking about any officers at the
 11 scene, but --
 12 A Okay.
 13 Q -- if you -- so you don't think Slade
 14 Moore did anything wrong?
 15 A I do not.
 16 Q And his actions that night were consistent
 17 with the policies and practices of your department?
 18 A I didn't say that.
 19 Q Well, I'm asking you. Were his actions
 20 that night consistent with the policies and
 21 practices of your department?
 22 A I didn't say that. I don't think that his
 23 actions necessarily reflect everybody in the
 24 department. I don't know that the policy and
 25 procedure prevents him from what he said or did.

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 2 don't know at what point, but yeah.
 3 Q (Mr. Youngwood) Did you then discuss this
 4 incident with Mr. Williams?
 5 A Yes, I'm sure I did. We discuss just
 6 about everything.
 7 Q Tell me the nature of that discussion.
 8 A I don't recall the nature of it.
 9 Q Did you discuss this incident with
 10 Slade Moore?
 11 A I don't think that I did. I think
 12 probably Chief Williams did that.
 13 Q Other than your attorneys, have you
 14 discussed this incident with anyone other than
 15 Mr. Williams?
 16 A Not that I recall, no, sir.
 17 Q Okay. Do you believe that the
 18 investigation Chief Williams conducted into this
 19 matter was sufficient?
 20 A I have every confidence, and, yes, I would
 21 say it was.
 22 Q I take it you had not seen the video at
 23 the time that you first saw this report, which is
 24 Exhibit 26?
 25 A I think I testified that I have seen it,

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 2 Q Let me try again, sir.
 3 A Okay.
 4 Q Did anything he did that night, to your
 5 knowledge, violate any policy and procedure of your
 6 department?
 7 A No.
 8 Q And he has not been disciplined in any
 9 way; correct?
 10 A No, sir.
 11 (Exhibit 26 marked for the record)
 12 Q Let me give you what's been marked as
 13 Exhibit 22. I'm sorry, that's the wrong exhibit.
 14 26. Do you know if you have seen this before, sir?
 15 Take a minute to look at it.
 16 A This appears to be a narrative prepared by
 17 my Chief Deputy Jeremy Williams and an incident
 18 report reflecting that, the incident with Mr.
 19 Manning.
 20 Q Okay. Have you seen these documents
 21 before, sir?
 22 MR. YOUNGWOOD: Just for the record,
 23 they're Bates stamped MC-RFP-8-182 through
 24 193.
 25 A I'm sure I have at some point. I mean, I

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 2 but I don't know at what point I saw it.
 3 Q Have you seen it more than once?
 4 A I don't know that I have. It's possible,
 5 yes, but I can't testify 100 percent to that.
 6 Q Okay. And are you aware that the officers
 7 choked Mr. Manning that night?
 8 MR. ROSS: Object to the form.
 9 A No, I'm not aware of that.
 10 Q (Mr. Youngwood) Okay. Are you aware that
 11 they handcuffed him?
 12 A I think at some point they did.
 13 Q And do you know why they handcuffed him?
 14 A I think he was going to jail.
 15 Q What was he going to jail for?
 16 A Being an accessory to burglary.
 17 Q And the accessory to burglary was based on
 18 what, to your knowledge? You now have the report in
 19 front of you.
 20 A I'll have to read the report.
 21 Q Go for it.
 22 A (PAUSE) Okay.
 23 Q So why was he being brought to jail?
 24 A I don't know the officer's
 25 train-of-thought, but, from the report, one thing

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stands out to me, they were standing there with him and discussing or talking with him while he was breaking out the window and carting off the glass, and then allowed him to go, run upstairs, he ran upstairs with Quintetta (sic) and Kenyatta into the apartment, so the first thing, when they saw the deputy, so one of the first things that would come to my mind that they would be aiding and abetting by allowing or helping him or concealing his position from authorities, for one. Uh -- the fact that they're there as lookouts would be another. That's, in my eyes, aiding in a way.

Q Sir, where does it say that they were lookouts?

A I didn't say that they were there. I said if they were there and they ran with him. I said I don't know the officer's train of thought.

Q So you don't know why they were taking him to jail?

A No, we'd have to ask Slade Moore that.

Q Okay. And nothing in this report tells you why they were taking them to jail?

A I didn't see anything as a reason he took him into custody.

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Q You don't see any reason why he took him into custody?

A I said I don't see anything in here as to why he took him into custody.

Q Well, is there some report -- this includes an incident report and a write-up by Chief Williams and a three-page letter or memo by Slade Moore. Is there other material we should look at to try and to determine why Mr. Manning was being taken to jail?

A Well, his confession right here.

Q His confession?

A Yeah. He said he knocked on the door. He was -- uh -- I don't remember the young man's name right now because it's on the other page. He had knowledge that the man was fixing to break in his baby's girl's house to get a TV out, and he went with him. So he had knowledge of what was going to happen when he went downstairs. And that's his words, not mine.

Q I see. And do you think it's possible Mr. Manning was under some threats from your officers at the time he wrote this?

A No, I don't.

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Q Okay. And you don't believe that, based on the video that you have seen?

A Absolutely not!

Q Let's look at the video.

A Let's do that.

(VIDEO PLAYED OFF RECORD)

(VIDEO STOPPED)

Q (Mr. Youngwood) Is that an inappropriate statement by your officer, sir?

A I don't know what the bond is, but it very well could be.

Q Well, do you think that's a fair threat to impart on a witness, sir?

A I don't know that that was a threat.

Q Okay. So you think telling them they come clean or they can go down to jail is an acceptable thing for your officer to say?

A Well, that was his intention right there, I believe. He was going to take them to jail.

Q So you have no problem with the tape up until now?

A Not until now, no.

(ATTORNEY CONTINUES TO PLAY VIDEO)

Q (Mr. Youngwood) How about the use of the

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word "cripple" there, sir, is that acceptable?

A No, it's probably not. Probably not the best term, but he's claiming that he's crippled or has claimed that he's crippled. I think he was speaking off of prior knowledge.

Q Well, they're not saying that he's crippled. They're calling Him "Cripple." Right?

A You would have to ask that officer that.

Q Did you take any action against Officer Moore for using the phrase "Cripple"?

A He said I didn't take any disciplinary action on this incident at all.

(ATTORNEY CONTINUES TO PLAY AUDIO)

Q Is that acceptable to you, sir, to tell somebody they can be a witness or a suspect?

A Yes.

Q And what law authorizes, you believe, arresting somebody for not writing a witness statement?

MR. ROSS: Object to the form.

A What law does what now?

Q (Mr. Youngwood) You've told me that it's illegal under Mississippi law for citizens not to report a crime. I believe that's what you told me.

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2 A Yes.

3 Q What law is that?

4 A I don't remember the code section.

5 Q But it's acceptable for police officers to
6 allow people to commit violations or crimes and not
7 arrest them; correct?

8 A Yes.

9 (ATTORNEY PLAYS VIDEO)

10 Q Do you agree with that statement of your
11 officer?

12 A Yes.

13 (COURT REPORTER DISCUSSES WITH ATTORNEY
14 REGARDING THE VIDEO)15 (ATTORNEY PLAYS VIDEO -- BACKS UP VIDEO TO
16 MAKE SURE AUDIO PORTION IS APPLICABLE TO ANSWER)17 MR. YOUNGWOOD: Let the record
18 reflect I have restarted the tape. I'm
19 going to pause it two or three times to
20 get us caught up, and I will read into the
21 record approximately, as best we can, what
22 the statements were on the tape that
23 prompt my questions. Obviously, the tape
24 speaks for itself, and my reading of it
25 doesn't change the words on it.

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2 (ATTORNEY PLAYS VIDEO)

3 Q (Mr. Youngwood) So I believe this was the
4 first time I paused it earlier, sir. The officer on
5 the tape, who is addressing Mr. Manning and his
6 wife, Quinnetta, says, "Now, you all can come clean,
7 or he can go down to jail and about Tuesday, you can
8 see a judge and get you about a
9 fifty-thousand-dollar bond for burglary."10 My question to you is that an acceptable
11 statement?12 MR. ROSS: I object to the form. You
13 left out the fact that prior to that
14 statement also Moore informed him that he
15 had seen them committing a crime. You can
16 answer.17 MR. YOUNGWOOD: I don't believe
18 Officer Moore said that at all.19 MR. ROSS: Well, you weren't
20 listening then. I'm sorry. I don't mean
21 to be argumentative, but he said what he
22 saw.23 MR. YOUNGWOOD: The tape says what it
24 says, but there's no word "crime" prior to
25 this point on -- so I really don't know

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2 what you're talking about.

3 Q (Mr. Youngwood) But my question to you,
4 sir, is is that statement acceptable to you?5 A I haven't heard him say anything wrong to
6 this point.7 MR. YOUNGWOOD: And I'll just note
8 for the record the incident report
9 associated with this is June 26, 2016,
10 and, obviously, the date is what it is,
11 but my calendar tells me that's a Sunday.12 Q (Mr. Youngwood) Does it trouble you at
13 all, sir, that the officer suggests that they would
14 have to sit in jail from Sunday to Tuesday before
15 they could even appear for a bond hearing?16 A No, it doesn't trouble me. I think the
17 law is 48 hours.

18 Q Let's continue.

19 (ATTORNEY CONTINUES TO PLAY VIDEO)

20 Q I'm pausing it again. The officer just
21 used the word "Cripple." Specifically, said "all
22 three of you have run right up the steps, and
23 Cripple here run right up the steps, too."24 Is it a violation of your policies and
25 procedure, sir, for the officer to call Mr. Manning

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2 a cripple?

3 A Not when he's characterized himself as
4 that, no.5 Q Okay, and where in the tape that we've
6 listened to has he characterized himself as a
7 cripple?8 A I don't know at what point this tape
9 started. I mean, obviously, as soon as she hit
10 record, but it was my understanding, which, I mean,
11 I don't have anything in writing, but he
12 characterized himself by saying he couldn't run up
13 the stairs because he was crippled. I think that
14 was more of a he's claiming he's cripple and he's
15 referring to his claim.16 Q Well, sir, you have looked through the
17 file, which is marked as Exhibit 26, and we've
18 listened to the tape from the beginning that we have
19 it, what do you base your belief that he had
20 previously identified himself to be a cripple?21 A Again, it's -- uh -- for some reason it's
22 in my memory that he made that statement. I don't
23 know if -- I don't know at what point I heard it.
24 But I'm sure Deputy Moore can clear it up for you.

25 Q But so far still nothing about this tape

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2 question.

3 Q Do you view any of the statements by the
4 officer coercive?

5 A No.

6 Q So these are acceptable ways to
7 interrogate a witness?8 A No, what he should have done was gone on
9 and taken him to jail and gotten a statement from
10 him there.

11 Q Do you know if Mr. --

12 A Due to his condition, he allowed him to
13 give a statement at the scene.14 Q I'm sorry, "due to his condition." What
15 condition is that?16 A You sit here and listen to him talking
17 about being cripple.18 Q And why do you believe he allowed him to
19 do it at the scene because of his physical
20 condition?

21 A He's sitting there explaining it to him.

22 (ATTORNEY CONTINUES TO PLAY TAPE)

23 Q The officer just said, Mr. Manning just
24 said, "What do I do?"

25 And the officer responded, "You're going to

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2 jail. I'm tired of fooling with you. I don't want
3 to fool with you no more. You don't want to act
4 right."5 Is that exchange a violation of the policies
6 and procedures of the Madison County Sheriff's
7 Department?

8 A No.

9 MR. ROSS: And I object because it's
10 indecipherable what came before that or
11 even after that or even if counsel is
12 repeating it correctly. But subject to
13 that, you can answer it.

14 A No.

15 Q (Mr. Youngwood) Not a violation?

16 A No.

17 (ATTORNEY CONTINUES TO PLAY TAPE)

18 Q The tape concluded. At the end of it, the
19 scene shifts and it seems to be moving. The officer
20 says to Mr. Manning's wife, "You going to finish
21 this or you gone go, too."22 Mr. Manning responds, "Man, please, man, I have
23 been shot five times in the spinal cord, man,
24 please, please, ouch!" Is there anything about that
25 exchange cause you to believe that the policies and

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2 procedures of the Madison County Police Department
3 were violated in connection with this incident?

4 A No.

5 Q And I'll ask you one more time, sir, what
6 law do you believe Mr. Manning was violating by
7 failing to voluntarily give a witness statement?8 A By failing to give a witness statement? I
9 don't know that he violated a law.10 Q Well, you said earlier that it was your
11 understanding that he became an accessory to
12 burglary by refusing to report the crime?

13 A Okay.

14 Q That was your testimony?

15 A Yes.

16 Q And what is that violation in the State of
17 Mississippi?

18 A I told you don't know the State statute.

19 Q And if you're wrong on that, sir, that
20 there's no law that requires such reporting, would
21 that change your analysis of this tape?

22 A No, not a bit.

23 Q So it's perfectly acceptable for an
24 officer to give somebody a choice between submitting
25 a statement or going to jail?

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2 MR. ROSS: Object to the form.

3 A Like I said, each situation is unique, but
4 the officer witnessed him and the other two
5 individuals. It's admitted on the tape that they
6 went downstairs knowing what he was going to do, and
7 the officer said he was charging him as an
8 accomplice. I think he even explained the after,
9 accessory-after-the-fact and the accomplice law to
10 burglary. No, I don't have a problem with it.11 MR. YOUNGWOOD: Why don't we take a
12 break?

13 VIDEOGRAPHER: Off record. 4:03.

14 (BRIEF RECESS)

15 VIDEOGRAPHER: DVD 5. Back on the
16 record.17 Q (Mr. Youngwood) Sheriff Tucker, have
18 there been other incidents involving Slade Moore
19 that required investigation?20 A Not that I can think of off the top of my
21 head.

22 Q Okay. Do you know who Destiny Jones is?

23 A I don't believe I know a Destiny Jones.

24 Q Do you recall any investigation involving
25 Slade Moore involving Destiny Jones?

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A I don't believe I know a Destiny Jones.

Q And how about John Leach? Do you recall any accusations or investigations involving John Leach?

A I don't know a Joan Leach either.

(Exhibit 27 marked for the record)

Q Let me give you Exhibit 27. Let me hand you what we've marked as Exhibit 27, sir. It's MC RFP 8 211 through 214. Recover -- it's an e-mail from Susan McCarty to Chief Williams and you, copying others. Do you see that?

A Yes.

Q And who is Ms. McCarty?

A She's the former Justice Court Clerk for Madison County.

Q Okay. Do you recall this e-mail?

A I do not. I see that I am copied or it was sent to me.

Q And you'll see it's a reference, and you can turn to the second page to Jones, Destiny. I think it's last name first. Destiny Jones? Do you see that?

A I do.

Q And if you look down toward the middle of

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the page, it says, "On or about November 27, 2016, in Madison County, Mississippi," and it refers to Deputy Slade Moore "did willfully and unlawfully in violation of Section 99-3-28, and during the time that he was acting in the scope of his official duty as a sworn officer for the Madison County Sheriff Department caused affiant to be put in fear of harm by allowing the following to occur: Grabbing the affiant's arm, placing affiant in cuffs, and stated to the affiant, 'I'm taking your ass to jail,' and squeezing the affiant's arms, this occurring in Madison County, Mississippi." Do you see that?

A Yes, I see.

Q Do you recall any investigation into the allegations contained in this affidavit?

A I do not. That would have been handled by my chief deputy.

(Exhibit 28 marked for the record)

Q I'm giving you what I'm marking as Exhibit 28. It's a document with Bates Number MC RFP 8 29 through 8 31.

A Uh-huh.

Q I'll refer you to this first numbered paragraph. First of all, this is addressed to you,

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sir. Do you recall receiving it?

A Yes, I do.

Q And it's dated March 16, 2015?

A March 16, 2015, yes, sir.

Q Okay. And there are allegations in the first paragraph. This is not about Slade Moore. It's about a different deputy, Brad Sullivan. Do you see that?

A Yes, sir, I do.

Q It says, "On October 12, 2014, Madison County Sheriff Brad Sullivan, a white male police officer, pointed his police-issued handgun at Daryl Dozier, Ms. Domekia-Myers Dozier, wife, and Dishanta -- Dishantia Dozer, daughter, age five, with the intent to cause bodily harm, causing fear, stress, and the family to be terrorized and that Sheriff Brad stated, 'I got you niggers now,' and that Sheriff Brad Sullivan used deadly force on the unarmed and defenseless African-Americans. Witness written statements are available upon request."

Do you see that?

A Yes, I see that.

Q What did you do to look into the allegations in this paragraph?

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A I discussed it with my chief deputy. I think he, in turn, discussed it with Deputy Sullivan. I personally attempted to call Daryl Dozier back at the number he provided under his signature on page three of the document. I got no response. I never did receive any type of affidavit or statement.

There were no charges filed against the deputy. The deputy denied using the terms that he's alleged to have used in this allegation, and that was the extent of it.

Q Okay. Have you heard the racial slur used in this paragraph used at the Madison County Sheriff's Department?

A No, not at the sheriff's department, no.

Q Have you heard it used by any of your officers or deputies, even if not within the sheriff department building?

A No, not during my time at the sheriff's office.

Q Okay. I'm not sure what you mean by qualify or not during your time at the sheriff's office. So not since 2000?

A Right. Prior to 2000, I was with the

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2 Canton Police Department, and I had an
3 African-American partner that was a good friend of
4 mine there, and I've heard him use it.
5 Q I'm asking you about Madison County
6 Sheriff's Department, you have never heard this
7 racial slur used?
8 A I said no.
9 Q Have you heard other racial slurs used by
10 Madison County officers or deputies?
11 A I'd have to know what you consider a
12 racial slur, and I'm not slighting you in any way.
13 I don't know what you would consider a racial slur.
14 Q Well, have you heard anyone use any
15 language you would consider to be racially
16 offensive?
17 A No, sir, not that I consider offensive,
18 no, sir.
19 Q Go back to Exhibit 5, please, sir. This
20 is the e-mail you forwarded on June 5th, 2009?
21 A Yes, sir.
22 Q If you'll go to the page, I mean Bates
23 number 460, a paragraph you and I have read earlier,
24 begins with the words, "But when I call you," do you
25 see that?

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2 Mr. Butler, Joe Butler, is he a Madison County
3 employee?
4 A Yes.
5 Q So he forwarded an e-mail that said all of
6 these things; correct?
7 A He forwarded a man's opinion. The man's
8 opinion says those things.
9 Q Okay, the man being Michael Richards?
10 A I think he played Kramer.
11 Q Right.
12 A If I'm -- on a sit-com show. I don't know
13 him personally.
14 Q I don't either, but would it surprise you
15 to know, sir, that Mr. Richards didn't write this
16 e-mail and didn't say any of these things?
17 A I don't know whether he did or not, but I
18 can tell you my employees didn't.
19 Q Okay. No, your employee forwarded the
20 e-mail that said these things; correct?
21 A Correct.
22 Q And forwarded it to numerous people, both
23 within and without the Madison County Sheriff's
24 Department; correct?
25 A With all of those names, yes.

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2 A Yes.
3 Q And you would agree with me all of those
4 words in that paragraph are racial slurs, sir? I'm
5 sorry, all of the words that follow the word you,
6 down to the double dots, those are all racial slurs;
7 correct?
8 A I'm not sure what a camel jockey is. I
9 would agree most are, but there is some I've never
10 heard before, so I don't know what their meaning
11 are, but, in general, is.
12 Q Have you ever heard any of these words
13 used as racial slurs by any Madison County officers
14 or deputies during your time?
15 A No, sir, I have not.
16 Q Okay. Put that aside again.
17 A Can I point something out for the record?
18 Q Absolutely!
19 A That was none of my employees said that.
20 That statement.
21 Q So to help the record, the witness is
22 referring to Exhibit 5, which is an e-mail from
23 2009, we discussed this morning; correct?
24 A Correct.
25 Q Okay. And I apologize forgetting

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2 Q And then you forwarded it to seven people,
3 including a number of people within the Madison
4 County Sheriff's Department?
5 A Yes.
6 MR. ROSS: I object to the form.
7 Let's set the record straight. Mr. --
8 Sheriff Tucker was not the sheriff in
9 2009, so I don't think that Mr. Butler
10 would be his employee at that time. His
11 employer at that time.
12 Q (Mr. Youngwood) What was Mr. Butler's
13 position at that time?
14 A I don't know what his assignment was,
15 personally. I mean, he was an employee of the
16 sheriff's department at that time.
17 Q And did he report to you in any way?
18 A No.
19 Q Did any of the people that he sent this
20 e-mail to report to you in any way? Do you want to
21 look at Exhibit 5 again?
22 A There are two names on here that worked
23 for me at one point during my tenure in the
24 narcotics division, which would have been during
25 that time, but I'm not sure if they were in the

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narcotics division at that time.

Q Okay.

A Does that answer your question?

Q It does, and -- I'm sorry, sir, go ahead.

A And those names are Jay Houston and Taylor Chastain.

Q Thank you. And did you -- I'm sorry, any of the people that you forwarded it to, were they reporting to you?

A Let me pull it back up. I apologize. Well, one of the ones is Taylor Chastain, and, again, I don't know if it was during that period or not. And Trey Curtis is in narcotics. Tommy Jones was in narcotics. And John Martin Harris was in narcotics. I don't have the relevant dates of their tenure in narcotics, but at one point, all of those did.

Q Terry Barfield was one of your colleagues that passed away recently; is that correct?

A Yes, sir.

Q Did you ever hear him use a racial slur, sir?

A No.

Q Okay. And was there a Kristy, who is a

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dispatcher at some point in 2013, in the Madison County Sheriff's Department?

A I don't recall a Kristy. I'm not saying there wasn't. I mean, if she was, she was. I don't recall her.

Q There was a case, sir, a Robert Cooper brought in the Southern District of Mississippi in 2013 against you in your official capacity. Do you recall that litigation?

A No, sir I don't.

(Exhibit 29 marked for the record)

Q I'll give you what we'll mark as Exhibit 27? I'm sorry, 29. Thank you. Does this refresh your recollection of the existence of the Cooper versus Tucker case from 2013?

A Can I have just a moment to review it?

Q Absolutely!

A It doesn't ring a bell, but I've got it here in front of me.

Q Okay. If you go to paragraph seven, there's a reference to a Lieutenant, it's a little hard for me to read, but it looks like -- uh -- Pot-scar-by?

A Potskarby.

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Q Yes. Is that somebody who works or used to work at the Madison County Sheriff's Department?

A Yes, he did.

Q And you'll see there allegations regarding the lieutenant, made by plaintiff, regarding racial jokes, racial remarks; do you see that?

A Yes, I see that.

Q Are you aware of any such remarks being made by the lieutenant?

A No, I'm not.

Q This may be a hard question to answer, but it sounds like you don't recall the lawsuit. Do you recall any investigation into whether such remarks were made?

A Uh -- no, I personally don't know that, no.

Q Okay. You can put that to the side, sir. Do you recall allegations against Deputy Weisenberger concerning excessive force made in 2014?

A No, I don't.

(Exhibit 30 marked for the record)

Q I'm going to give you what we're marking as Exhibit 30. Do you recognize this as an -- I'm

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sorry -- an investigational report prepared by Chief Williams?

A This is a narrative with his -- yeah, it's a narrative. Yes, of his.

Q And you see about four lines down to the narrative, what regards Deputy Thames?

A Deputy Tims (sic).

Q Tims (sic)?

A Yes.

Q And you see allegations of excessive force? I'm sorry, I completely bumbled this. The allegations, I believe, are being made by Deputy Thames; is that right?

A That's what this says, yes.

Q And they concern Deputy Weisenberger; correct?

A Yes.

Q Okay. And a sentence down, "Deputy Thames stated that the last name of Fyer as the possible last name of the subject arrested and that he was struck while in handcuffs by Deputy Weisenberger." Do you see that?

A That's what it says, yes.

Q And do you recall this incident?

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A No, I do not.

Q Okay. Do you recall whether any action was taken directed at Deputy Weisenberger as a result of this incident?

A It's possible, but I don't know. I don't recall the incident, itself. If there is, it would be reflected in his file.

(Exhibit 31 marked for the record)

Q Going to give you what we're marking as Exhibit 31, MC e-mails 264. This is an e-mail from March of 2014, from Susan McCarty to what appears to be you and Chief Williams. Do you see that?

A Yes.

MR. ROSS: Is this Exhibit 31?

MR. YOUNGWOOD: Yes.

A I think he said 32, but it is 31.

Q (Mr. Youngwood) It is 31. I do apologize. Do you see the e-mail, sir, that is marked as Exhibit 31, Bates Number MC e-mails 264?

A Yes, I see this.

Q Okay. Do you recall receiving this?

A Vaguely. Yes. I think this was a -- if I'm not mistaken, and, again, I don't have a report in front of me. I think this was from an incident

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at Velma Jackson High School, if I'm not mistaken.

Q Okay. And the individual being referenced is Chuck McNeal? Do I understand that correctly?

A Yes.

Q Okay, and that's one of your officers or deputies?

A He is the jail administrator.

Q Do you know what came of this accusation, sir?

A I think it was dismissed. And, again, don't hold me to that because I don't recall. But had it been adjudicated guilty, there would have been some action against the officer.

Q Was any action taken against the officer?

A Not that I recall, no, and that's the reason I'm assuming it was dismissed.

Q Was any investigation done of the officer?

A If this is the incident that I'm thinking about, yes, my chief deputy would have handled it.

Q Okay. And do you recall the results of that investigation?

A I'm assuming there was no action taken if it was dismissed. But, again, I don't have it in front of me, and I'm not even sure that's the

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incident. I recall an incident with a Murray and Chuck at Velma Jackson, but I can't swear that this is in reference to that incident.

Q Okay. Prior to this lawsuit, have you ever been made aware of racial discriminatory practices within your department?

MS. ROSS: Object to the form. It assumes he's been aware through this lawsuit, but you can answer.

A I'm sorry to both of you. I didn't understand either one of you. (LAUGHTER)

Q (Mr. Youngwood) I'll ask it differently which should address the objection and perhaps make the question easier. Prior to this lawsuit, sir, have you ever been made aware of any allegations of racially discriminatory practices within the Madison County Sheriff's Department?

A While I've been the sheriff?

Q Many times since 2000?

A I think I testified earlier that I think there were some racial overtones toward roadblocks when Toby was sheriff, that they marched about, but other than that, no.

Q Okay. How about the Gibson complaint,

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sir?

A What about it?

Q That contains allegations of racial discriminatory practices.

A Oh, that's part of this lawsuit.

Q No, it's not, sir.

A Well, he's mentioned in there, so.

Q Well, I'm speaking of his lawsuit, sir.

A Okay. Well, I apologize.

Q Yeah.

A What about it?

Q Were you made aware through that lawsuit of racially discriminatory practices?

MR. ROSS: Object to the form.

Q (Mr. Youngwood) Within your department?

A I was not, but he claims in his lawsuit he did.

Q He claims in his lawsuit he did what, sir?

A He claims that he told me or me and chief deputy, one of us, about the allegations, but that's false. He didn't ever tell me anything about any racial profiling.

Q Okay. And how about Lieutenant Sandridge? Do you understand that he told Lieutenant Sandridge